

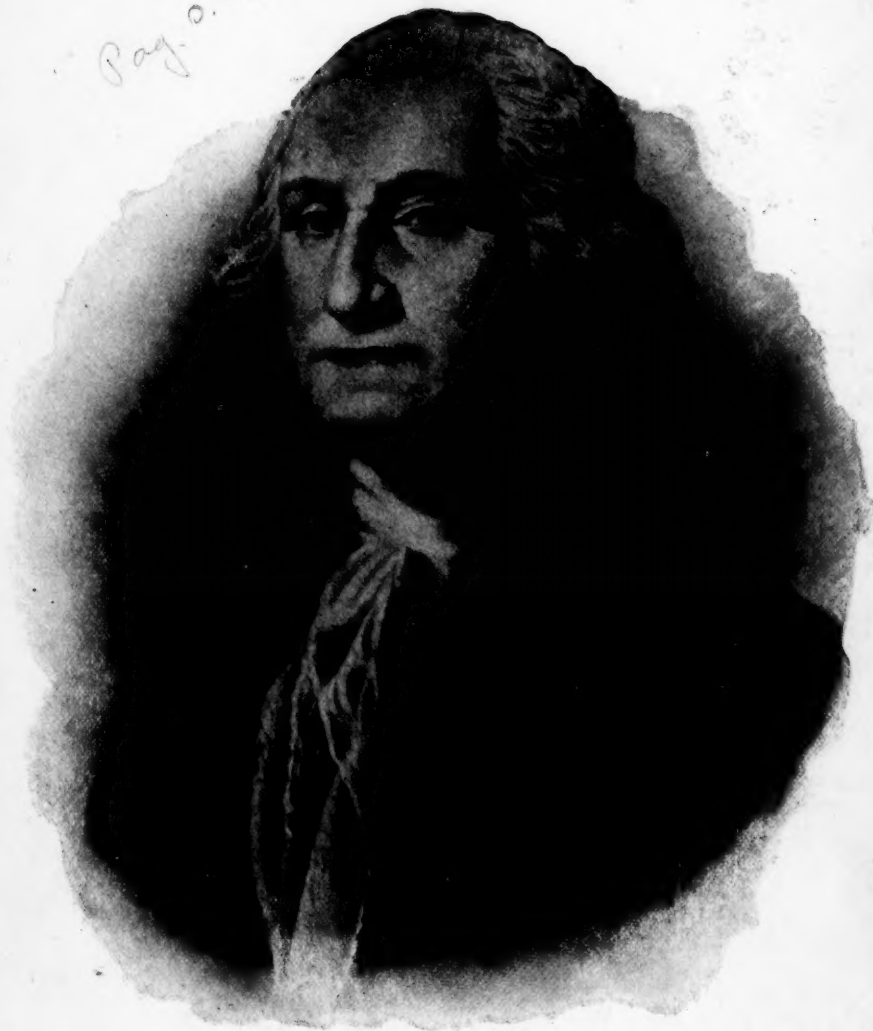
UNIVERSITY LIBRARY

JUL 25 1917

PRINCETON N. J.

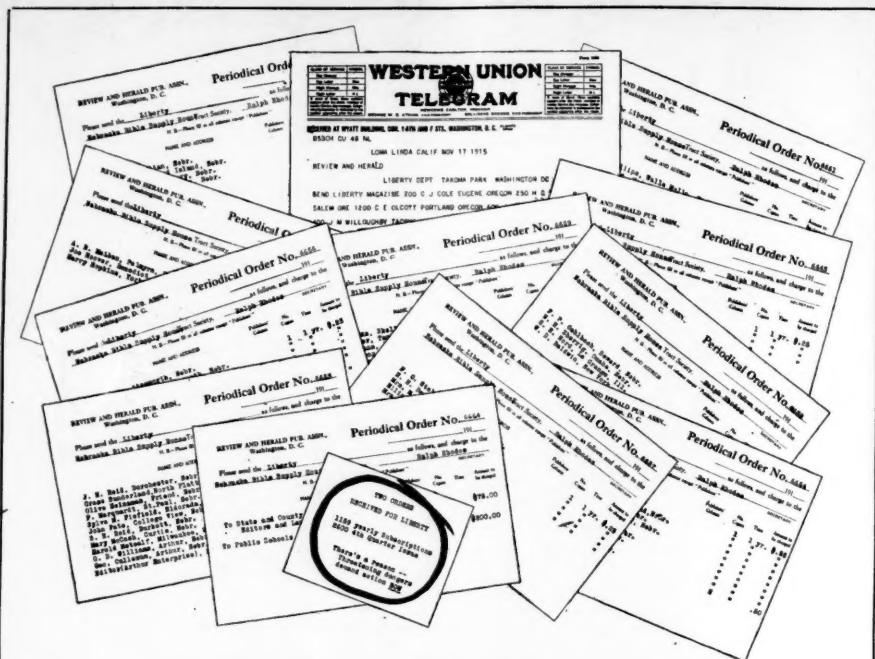
# LIBERTY

A MAGAZINE OF RELIGIOUS FREEDOM



PUBLISHED QUARTERLY 10 CTS. A COPY 35 CTS. A YEAR

WASHINGTON, D. C.



1,159 Yearly Subscriptions, 2,500 Single Copies  
in Two Orders From Two Agencies

## Liberty Magazine Is in Demand

### THREATENING OMENS

demand the circulation of a magazine set for the defense of the gospel of Jesus Christ, yet opposed to every form of legislation that tends to enforce religion upon any man.

LIBERTY MAGAZINE upholds the Constitution of the United States, and therefore stands for—

**Entire Separation of Church and State  
Freedom to Worship or Not to Worship  
Freedom of Speech and of the Press**

Do not the contents of this number of LIBERTY appeal to you as timely and important? Then give it wide circulation. 50 or more copies, 4 cents each; 5 to 40 copies, 5 cents each; single copy, 10 cents.

**The Liberty Magazine, Washington, D. C.**

# LIBERTY

## A MAGAZINE OF RELIGIOUS FREEDOM

EDITOR, CHARLES S. LONGACRE

ASSOCIATE EDITORS, CHARLES M. SNOW, CALVIN P. BOLLMAN

CONTRIBUTING EDITORS, K. C. Russell, S. B. Horton, J. O. Corliss, W. F. Martin, C. B. Haynes

TAKOMA PARK, WASHINGTON, D. C.

### CONTENTS

#### GENERAL ARTICLES

	PAGE
Is Liberty in Danger? .....	3
Sunday Law Enforcement in Tennessee .....	6
Religious Liberty in Peru .....	8
Origin and History of English Sunday Laws .....	9
An Era of Sunday Closing .....	12
National Reformers Want Death Sentence Pronounced on Promoters of LIBERTY .....	13
American Jurists Prove Sunday Laws to Be Religious and Unconstitutional .....	18
The North Carolina Judiciary Reviews a Popular Error and Denounces It .....	20
What Constitutes Disturbance? .....	22
Puts Man in the Place of God .....	23
Merchandising on Sunday Not a Crime Against the State .....	24
Civic Righteousness .....	26
Sunday Newspapers to Be Blacklisted .....	28

#### EDITORIAL

The Oklahoma Sunday Law Prosecution—Defendants Appeal Their Case .....	30
The Best Sunday Observance Found Where There Is No Sunday Law .....	32
Dangerous Legislation Proposed .....	32
The Platform of the Religious Liberty Association .....	34
Abraham Lincoln on Liberty .....	36
George Washington on Religious Liberty .....	37
Two Concrete Examples .....	37
Is Sunday a Civil Institution? .....	39
Sunday Observance Not Dependent Upon Civil Law .....	41
Eight Commandments of the Mohammedans .....	42
Are Sunday Laws Religious? .....	42
Unjust Accusation .....	43
If? .....	44
Shall Religion Be Taught in the Public Schools? .....	44
Where to Draw the Line on Police Regulations .....	45

#### TEMPERANCE

Delay Means Destruction and Death .....	46
Prohibitory Amendment Proposed .....	48
Where Demon Rum is Intrrenched .....	48

Entered as second-class matter May 1, 1906, at the post office at Washington, D. C., under the Act of Congress of March 3, 1879. Published quarterly by Review and Herald Publishing Association, Washington, D. C.

#### PRICES, POSTPAID

Yearly subscription .....	\$ .35	Four years (or 4 subscriptions, 1 year) ....	\$1.00
Three years (or 3 subscriptions, 1 year) ..	.90	Eight years (or 8 subscriptions, 1 year) ...	2.00
No subscriptions for less than one year ..		Ten years (or 10 subscriptions, 1 year) ....	2.50
Five or more copies, mailed by publishers to five addresses or to one address, postpaid, each .05			

#### NO EXTRA CHARGE ON FOREIGN SUBSCRIPTIONS

**HOW TO REMIT.**—Remittances should be made by Post-office Money Order (payable at Washington, D. C. post office), Express Order, or Draft on New York. Cash should be sent in Registered Letter.

**DATE OF EXPIRATION.**—Your address on the wrapper shows the date of expiration of your subscription. To avoid missing any numbers, please **renew early**, for we stop all subscriptions promptly upon expiration.

**CHANGE OF ADDRESS.**—When a change of address is desired, both the old and the new address must be given. The publishers should be notified six weeks in advance of the desired date of change.

**SUBSCRIPTIONS GUARANTEED.**—Our authorized agent will present signed credentials from our agency nearest you, also receipt for subscription money. If requested, he will also deliver the first copy to commence your subscription.

**YOU WILL NOT BE ASKED TO PAY** for this magazine unless you have subscribed for it. Some friends may have subscribed for you. The receipt of a sample copy is merely an invitation to subscribe. So please do not refuse the magazine at your post office for financial reasons.

DEC -51917

392001

# Open Letter to the 64th Congress

The 64th Congress of the United States takes up its duties at a most critical time in our national history. The world war and this nation's relation to it, as well as domestic problems

of intense moment, will require of this Congress perhaps as great if not greater intelligence, deeper patriotism, and calmer judgment than ever before demanded of any Congress, even when our country was itself convulsed with civil strife or its sovereignty threatened by foreign war.

The survival of our liberties has been largely due to the rule loyally followed in the past of adhering strictly to the original American ideals in settling domestic problems as well as adjusting foreign relations.

No Congress could be confronted with graver problems than those involving the foundation principles upon which the nation was established; and such are some of the issues with which the 64th Congress stands face to face.

In this communication we beg to raise a question in regard to certain proposed legislation, contravening in our judgment the fundamental principles of American liberty. For example, we have reason to anticipate that an attempt will be made to persuade you to nullify the intent and purpose of the First Amendment to the Constitution. The "Intermountain Catholic," Salt Lake City, Utah, Nov. 6, 1915, had this item:—

Congressman-elect Siegel of New York will advocate the passage of a bill in the next Congress that will prohibit the use of the mails to any publication making it a practice to defame any creed, race, or religion.

You will doubtless recall that in the 63rd Congress this very question was considered in the form of two bills (H. R. 20644 and H. R. 21183) referred to the House Committee on the Post Office and Post Roads, which conducted a hearing on the subject Feb. 1, 1915.

It was held by the opponents of these measures that the legislation proposed was indefensible, inasmuch as it would enable the government to exercise indirectly a power which is not conferred upon it either directly or indirectly by the Constitution; namely, the power to control the press in favor of religion; and maintaining with Chancellor Kent that it has "become a Constitutional principle in this country, that 'every citizen may freely speak, write, and publish his sentiments, on all subjects, being responsible for the abuse of that right, and that no law can rightfully be passed to restrain or abridge the freedom of speech, or of the press.'" — "Commentaries on American Law," James Kent, 1848, Vol. II, 6th edition, page 17.

We respectfully submit that the principles of liberty are directly involved also in proposed legislation compelling the closing of barber shops in the District of Columbia on Sunday, and other similar measures.

The present Congress is not the first to be urged to enact laws of this character. In the 20th and 21st Congresses the subject of Sunday observance was considered from every viewpoint, and it was decided by the statesmen of that day that the whole question belonged to the realm of religion, and that Congress could not determine for any citizen the duty of regarding one day above another. That this was the attitude of the fathers of our country may be drawn from the following excerpt from House Report on Sunday Mails, communicated March 4 and 5, 1830:—

It is perhaps fortunate for our country that the proposition [to enact Sunday legislation] should have been made at this early period while the spirit of the Revolution yet exists in full vigor.—"American State Papers," Class VII, page 229.

Congress has uniformly decided against legislation of this character, regarding it as violative of that part of the First Amendment which provides that—

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press.

We request, therefore, that the present Congress adhere strictly to the precedents of the past on this subject, and that our liberties be as jealously guarded by our national legislators during 1915-17 as they were by the lawmakers of three quarters of a century ago.

Most obediently,

THE LIBERTY.

Dec. 1, 1915.

## Dangerous Combinations

Extensive religious combinations to effect a political object are, in the opinion of the committee, always dangerous. . . . If admitted, it may be justly apprehended that the future measures of the government will be strongly marked, if not eventually controlled, by the same influence. All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other nations furnishes an awful warning of the consequence.—Sunday Mails Report, in American State Papers, Class VII, page 225.



# LIBERTY

"Proclaim liberty throughout all the land unto all the inhabitants thereof." *Lev. 25 : 10.*

VOL. XI

FIRST QUARTER, 1916

No. 1

## Is Liberty in Danger?

CLAUDE E. HOLMES

### The Price of Liberty

THOSE things that are most valuable should be guarded the closest. The liberty which we have in America is a legacy handed down to us from our forefathers. It was secured at the highest price that can be paid for earthly treasure—the lives of thousands of our fellow men. Should it not be jealously guarded? These words by Samuel Coleridge can be appreciated by those who realize the value of liberty:—

Nor let any one falsely persuade himself that those who keep watch and ward for liberty are meddling with things that do not concern them, instead of minding their own business. For all men should know that all blessings are stored and protected in this one, as in a common repository. Here is the tradesman's security, the soldier's honor, the agriculturist's profit. Lastly, in this one good of liberty the religious will find the permission of their rites and forms of worship, the students their learned leisure, the aged their repose, boys the rudiments of the several branches of their education, maidens their chaste nuptials, matrons their womanly honor and the dignity of their modesty, fathers of families the dues of natural affection and the sacred privilege of their ancient home, every one their hope and their joy. To this one solicitude, therefore, let all other cares yield the priority.—*"The Friend," page 74.*

### The Constitution Ordained to Protect Liberty

Those who fought for liberty were not satisfied merely to enjoy it themselves. They looked forward to yet unborn generations. They wrote it in their fundamental law, in our Constitution, that "we, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution."

Said Samuel Adams:—

I would advise persisting in our struggle for liberty though it were revealed from heaven that nine hundred and ninety-nine were to perish and only one out of a thousand to survive and retain his freedom. One such freeman must possess more virtue and enjoy more happiness than a thousand slaves.—*Quoted in the Christian Advocate, June 25, 1914.*

Truly they became watchers and wards for liberty. Knowing that eternal vigilance is the price of liberty, they placed a hedge about it that is as secure as human power can make it.

---

The purity of religion is best preserved by keeping it separate from government; and the surest means of giving to it its proper influence in society is the dissemination of correct principles through education.—*James Bayard on the Constitution.*

May this immense temple of freedom [United States] ever stand a lesson to oppressors, an example to the oppressed, a sanctuary for the rights of mankind!—*General Lafayette, in reply to a committee sent by Congress to express its gratitude for his service to this country.*

#### Liberty Not Properly Appreciated

But the battle for liberty was fought on this continent a hundred years ago. We enjoy liberty today, scarcely thinking of the way in which it was obtained. Many have grown up believing that no other condition ever existed, and that freedom was always respected. Feeling that this liberty is safe and secure, they look with indifference and even contempt upon those who view with alarm the various inroads that are being made upon the liberty of our nation.

Liberty cannot protect itself. The records of history testify that liberty has always been in danger. At times it was a stranger on earth. Its enemies are no less aggressive today than in ages gone by. Liberty must be jealously guarded.

For years there have been discussions as to which religious denomination should be given the credit for establishing religious liberty in this country. But the real, vital question is, Who is going to protect and preserve the liberty that we now possess?



COL. RICHARD M. JOHNSON OF KENTUCKY, AUTHOR OF THE SUNDAY MAIL REPORTS

#### Religious Liberty the Fruit of Division

Religious liberty as we know it, grew largely out of the jealousies and fears of the many warring sects of colonial times. One denomination persecuted another. The established church of one State would put a ban upon the members of other churches in other States.

As Madison stated, when debating the adoption of the federal Constitution in the Convention of Virginia:—

Happily for the States, they enjoy the utmost freedom of religion. This freedom arises from that multiplicity of sects which pervades America, and which is the best and only security for religious liberty in any society; for where there is such a variety of sects, there cannot be a majority of any one sect to oppress and persecute the rest.—*“Elliot’s Debates,” Vol. III, p. 330.*

#### Sects Combining to Destroy Liberty

The multiplicity of sects which made way for religious liberty in the early days of our history, is rapidly becoming a menace to the same liberty today. At the present the many divisions of the Christian church are combining in great federations and associations. The power

The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written, as with a sunbeam, on the whole volume of human nature, by the hand of Divinity itself, and can never be erased or obscured by human power. That is what is called the law of nature, which, being coeval with mankind and dictated by God himself, is, of course, superior in obligation to any other. No human laws are of any validity if contrary to this. It is binding over all the globe, in all countries, and at all times.—*Alexander Hamilton. Quoted in “Christian Life and Character of the Civil Institutions of the United States,” page 144.*

I am not one of those who believe that tyranny is a particle sweeter because it is the tyranny of a majority. I believe, with old Roger Williams, that there are two classes of things in this world—the things of the first table and the things of the second table. The things of the first table are those things which are between God and the individual man, and government has no right to touch them. If 99,999,999 of the people out of 100,000,000 wanted to do anything in connection with them, and one man stood up in his right and said, "No," then that one man's voice should restrain all the rest. Amongst these things are freedom of religion and various other things that will occur to your own minds.—John Sharp Williams, in *Congressional Record*, Jan. 30, 1913.

created by such forces is being turned upon the civil government. Institutions that are purely religious are being incorporated into our civil law.

One great organization comprising thirty leading religious bodies with a constituency of 19,000,000, at its last annual meeting adopted a resolution providing—

That we ask all public officials for better Sunday laws throughout all our States where such laws obtain, and express an urgent hope that at the earliest possible moment a Sunday law shall be enacted for the District of Columbia and the State of California, where no such laws exist.—*Annual Reports of the Federal Council of the Churches of Christ in America*, for 1914, page 160.

Another association, which has been indorsed by many denominations, has for years been clamoring for the placing of "all the Christian laws, institutions, and usages of our government on an undeniable legal basis in the fundamental law of the land."—*Christian Statesman*, November, 1915.

#### A Warning Against Religious Legislation

A warning against movements of this character was sounded years ago by a Senate Committee:—

All religious despotism commences by combination and influence; and when that influence begins to operate upon the political institutions of a country, the civil power soon bends under it; and the catastrophe of other

nations furnishes an awful warning of the consequence.—"American State Papers," Class VII, page 225.

Sunday bills have already been introduced in our present national Congress. This has been the case for many years. Legislation on religious matters is dangerous. Legislators and judges will be obliged sooner or later to define religious dogmas and opinions; sects that are weak numerically will be discriminated against, and persecution and hypocrisy will eventually follow.

#### Congress Cannot Define Religious Duties

In giving its findings on a certain demand for legislation giving civil protection to Sunday, the House of Representatives agreed that—

if Congress shall, by the authority of law, sanction the measure recommended, it would constitute a legislative decision of a religious controversy, in which even Christians themselves are at issue. However suited such a decision may be to an ecclesiastical council, it is incompatible with a republican legislature, which is purely for political and not for religious purposes. . . .

If a solemn act of legislation shall, in one point, define the law of God, or point out to the citizen one religious duty, it may, with equal propriety, proceed to define every part of divine revelation, and enforce every religious obligation, even to the forms and ceremonies of worship, the endowment of the church, and the support of the clergy.—*Id.*, page 229.

Who can preserve the rights and liberties of a people when they shall be abandoned by themselves? Who shall keep watch in the temple when the watchmen sleep at their post? Who shall call upon the people to redeem their possessions and revive the republic when their own hands have deliberately and corruptly surrendered them to the oppressor and have built the prisons and dug the graves of their own friends? The dark picture, it is to be hoped, will never be applicable to the republic of America. And yet it affords a warning, which, like all the lessons of past experience, we are not permitted to disregard. America, free, happy, and enlightened as she is, must rest the preservation of her rights and liberties upon the virtue, independence, justice, and sagacity of the people. If either fail, the republic is gone.—*Justice Story*.

Religion neither can nor should be maintained by governments nor made a political institution. Religion is born of faith and of the conscience, and faith and conscience alone should nourish it.—*Francesco Crispi, ex-Prime Minister of Italy. Quoted in the American Advocate, April, 1899, page 152.*

Our legislators may do our country an inestimable service in providing for the protection of liberty if they will refuse to entertain any legislation that would involve religion or religious opinions. There is principle and precedent for such

a position. The Word of God counsels all to render unto God the things that are God's; and our Constitution forbids Congress to make any law prohibiting the free exercise of religion.

*Washington, D. C.*

\*\*\*

## Sunday Law Enforcement in Tennessee

C. P. BOLLMAN

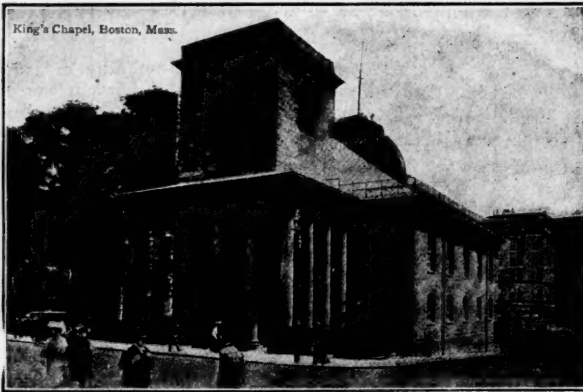
SOME years ago the State of Tennessee gained an unenviable notoriety because of a large number of Sunday cases, nearly all against observers of the seventh day of the week.

The Declaration of Rights of that State provides:—

SECTION 3.—That all men have a natural and infeasible right to worship Almighty

Naturally, observers of the seventh day feel that under this section of the Declaration of Rights they have equal rights with the observers of the first day, and that to require them to observe Sunday is directly to tax them one sixth of their God-given working time, in the interests of that form or phase of religious worship of which Sunday observance is an essential part.

Though the decisions of the courts of Tennessee have been against the view urged by the Adventists, the evident sentiment of the people did not support the enforcement of the statute against a class in a manner and under circumstances that made it apparent that it was not civil law enforcement but religious persecution, and so for several years there were almost no such cases. But a few months ago five men living about seven



In this chapel was established in 1685, by order of the king, the worship of the Church of England, despite the opposition of the colonial authorities.

God according to the dictates of their own conscience; that no man can, of right, be compelled to attend, erect, or support any place of worship, or to maintain any minister against his consent; that no human authority can, in any case whatever, control or interfere with the rights of conscience; and that no preference shall ever be given by law to any religious establishment or mode of worship.

miles north of Goodlettsville were indicted, charged with violating the State Sunday law. The trial was set for January 3, and of course we cannot report the outcome, though of that there can be little doubt. About the only defense is to plead the guaranty of the Declaration of

Rights; and inasmuch as the courts have uniformly held against that plea, there is nothing left for the Adventists but to suffer the penalty—usually a small fine and costs of the suit, amounting in most instances to about fifty dollars in each case.

There is a strange inconsistency in all these Sunday law cases. Invariably the prosecutors are persons who either have a fancied personal grievance or else are inspired by religious zeal. This latter was well illustrated some years ago in Henry County, Tennessee. There was in that county a community of Seventh-day Adventists, numbering about sixty. One day a good brother belonging to one of the several Sunday-keeping churches in that section of the county, said to one of the Adventists, "We have hard work to maintain our meetings in your neighborhood; why don't you people come out on Sunday and help us?"

Said the Adventist: "We have our own church to look after, but if you will convince us that we are wrong, we will all attend your meetings."

"That's just what we're going to do," said the Sunday keeper; "we're going to prosecute every one of you."

And sure enough, it was only a little while until almost every male Adventist in that neighborhood was indicted, and quite a number of them served terms in jail for the crime of practical dissent from the religion of their Sunday-keeping neighbors. There was absolutely no other fault to be found with these men. Everybody admitted that they were in all other respects model citizens.

It has been argued in Tennessee that "the Sunday law is not a religious but a civil regulation;" that "its enforcement is not religious persecution, but only

a legitimate exercise of the police powers of the State." But has it not been ever thus? Christ was put to death on the charge of conspiring against Cæsar. The early Christians suffered as enemies of the state. Wherever church and state are united, it matters not how frail the link may be, offenses against the church or religion are offenses also against the state, and are punished accordingly. In all such cases the police power of the state is invoked to enforce church discipline. But what is the "police power"? Webster's New International Dictionary (1913) says:—

The inherent power of a government to regulate its police affairs. The term police



QUAKER IN THE STOCKS IN MASSACHUSETTS FOR DISSENT FROM THE STATUTE-ENFORCED RELIGION

power is not definitely fixed in meaning. In the earlier cases in the United States it was used as including the whole power of internal government, or the powers of government inherent in every sovereignty to the extent of its dominions.

But like all other powers of government in this country, the "police power" is limited by the constitution, and can never rise superior to it. Outside of the constitution there can be no legitimate power of any sort in any American State; therefore nothing forbidden by the constitution can be justified as a proper exercise of the police power. In all such cases "the police power" is merely a high-sounding phrase, a legal fiction to



deceive the people and to distract attention from some patent violation of the fundamental law of the government.

Will the time ever come that American judges will have the courage to declare and administer the laws, not in accordance with popular religious opinion, but in harmony with constitutional law?

By what right, and by what principle of justice, does the State of Tennessee levy and collect a tax of one day each week as a tribute to the first day of the

week, a purely religious institution?

If it be replied that the people need a day of rest, it remains to be shown that a part of the people need two days, and that after some have rested on the day required by their conscience, the State has any just right to require them to rest on another day required by the conscience of their neighbors. There is not a lawyer in the State who does not know that the Sunday law of the State is not in harmony with the Declaration of Rights.



## Religious Liberty in Peru

E. L. MAXWELL

THE Roman Catholic Church lacks but little of having had four hundred years of rule over the nation of Peru, when suddenly comes a heavy stroke, the first of those that are going to overthrow the edifice of superstition and intolerance that has served only to enslave and vitiate the Peruvian people, especially the Indians, during all this long period.

The Roman Church had here the opportunity of the ages. Her representatives accompanied the conquerors. Wherever the sword of Spain took possession of the political dominion, there also were celebrated the victories of the church. The acceptance by the natives of the political authority of the Spaniards signified also, and in all places, the acceptance of the religion of the Spanish state. In nearly every case the change was rapid and complete. At the present time it is only among the tribes of cannibals in the forest fastnesses beyond the Cordilleras that the church does not claim the complete conversion of the natives.

But although sustained by the state, subsidized from the public treasury and protected to the exclusion of every other sect, that church instead of grasping her magnificent opportunity to exemplify the truth of her doctrines, the purity of her teachings, the holiness of her priesthood, has delivered herself entirely over to

traffic in the souls of the victims of her schemes. From their cradle to their grave, she has never ceased to rob her unhappy adherents, and even after their death, she has continued robbing their widows and orphans. Her most holy doctrines are annulled for a price. Her priests do not marry, but they have concubines and children in abundance. And the notorious immorality of the representatives of her religion has deeply and sadly damaged that of all the inhabitants of Peru who have received such representatives as their spiritual guides.

Now comes her overthrow. After nearly a century of political independence, Peru is unshackling herself from religious slavery. As yet the emancipation is incomplete, but the admission of sects that will compete with the old superstition, teaching pure doctrines, elevating the morality of the family with the example of their married pastors, with the popularization of education free from the influence of the monks, the Republic of the Andes must feel the renaissance of modern progress.

The vote of the Chamber of Deputies, suppressing the last part of the fourth article of the constitution of the republic is the most important step toward full independence from foreign powers that the state has taken since the day that the immortal San Martin read in Lima the



declaration of political independence. God grant that by the time of the centenary of that independence, the complete separation of church and state may also be celebrated. Let us labor, Peru-

vians, that the Reformed Fourth Article may then be, "The State guarantees the natural right of every person to worship, or not to worship, according to the dictates of his own conscience."

\*\*\*

## Origin and History of English Sunday Laws

C. S. LONGACRE

SOME people and even some modern jurists claim that Sunday laws are civil in character, not religious. But any one who goes to the trouble of investigating the origin and history of Sunday legislation knows that for fifteen hundred years the courts, the state, and the church, without an exception, recognized Sunday as an institution of the church and not of the state, based altogether upon religious dogma, not upon civil considerations.

Some people will not believe this, however, without a presentation of facts from credible sources; consequently we cite the opinion of a supreme court upon this feature of the Sunday laws. In *Story vs. Elliott*, Am. Dec., page 424, Chief Justice Savage, in giving the origin and history of Sunday laws, says:—

Sunday is stated in all books to be *dies non juridicus*; not made so by the statute, but by a canon of the church, incorporated into the common law. According to the history given by Lord Mansfield, in the case of *Swan vs. Broome* (3 Burr., 1597; 2 Bl., 526, S. C.), anciently the courts of justice did sit on Sunday. It appears by Sir Henry Spelman's original of the term, that the "Christians at the first used all days alike for the hearing of causes, not sparing, as it seemeth, the Sunday itself." They had two reasons for it. One was in opposition to the heathen, who were superstitious about the observation of days and times, conceiving some to be ominous and unlucky, and others to be lucky; and, therefore, Christians laid aside all observance of days. The second reason they had was that by keeping their own courts always open, they prevented the Christian suitors from resorting to the heathen courts. But in the year 517 a canon was made: "*Quod nullus episcopus vel infra positus die dominico causas judicare praesumat*;" and this canon was ratified in the time of Theodosius, who fortified it with an imperial constitution: "*Solis die (quem dominicum recte dixere majores) omnium omnino litium et ne-*

*gotiorum quiescat intentio*." Other canons were made in which vacations were appointed. These and other canons and constitutions were received and adopted by the Saxon kings of England. They were all confirmed by William the Conqueror and Henry the Second; and so became a part of the common law of England.

Chief Justice Clark of the North Carolina Supreme Court, in reviewing the origin and past history of Sunday legislation, sustains the opinion that Sunday laws were founded upon religious dogma, among the heathen first, and afterwards introduced into the Christian commonwealth wherever there was a union of church and state. His judicial review is as follows:—

Sunday legislation is more than fifteen centuries old, and this "historic argument" is of value in construing the existing law. All Sunday legislation is the product of pagan Rome; the Saxon laws were the product of Middle-Age legislation of "the Holy Roman Empire." The English laws are the expansion of the Saxon, and the American are a transcript of the English.

The first Sunday law, the edict of the emperor Constantine, was the product of that pagan conception, developed by the Romans, which made religion a part of the state. The day was to be venerated as a religious duty owed to the god of the sun.

During the Middle Ages, the civil authorities exercised the right to legislate in religious matters after the manner of the Jewish theocracy. The English Reformation introduced, for the first time, the doctrine of the fourth commandment to the first day of the week.—"*North Carolina Reports*," Vol. CXXXIV, page 508.

The kings of the Holy Roman Empire, under the union of church and state, clearly indicated in their decrees concerning Sunday legislation that it was in the interests of religion and for the support of divine services that such legisla-

tion was enacted. The following Sunday law makes this fact stand out very prominently:—

For all: We decree also both according as the Lord commands in the law, that servile works should not be done on the Lord's Day, and just as my ancestor of blessed memory commanded in his synodical edicts . . . in order that in every way the honor and rest of the Lord's Day may be preserved. But let them come together from all sides to church to the solemnities of the mass, and let them praise God for all things which he does for us on that day.—*"Monumenta Germaniæ Historica," Legum Sectio 2, Capitularia Regum Francorum, page 61, par. 81.*

The edict quoted above is based on a previous edict which was issued by the Vernesian Council<sup>1</sup> in 755 A. D., and adopted by the Frankish kings, and reads as follows:—

Since the people are urged concerning the Lord's Day that they ought not to drive horses or oxen or to travel in wagons, nor prepare anything for eating, or to busy oneself about anything pertaining in any respect whatever to the cleaning of the house or of man, . . . rural work, plowing the vineyard, cutting, threshing, grubbing, or fencing, we decree that it must be abstained from, in order that those coming to church may more easily have leisure for the service of prayer. Because if any one shall be found to be engaged in the above-mentioned works which are forbidden, . . . let him appear in court, not in the division of the laity, but to the priests unto punishment.—*Id., page 36, par. 14.*

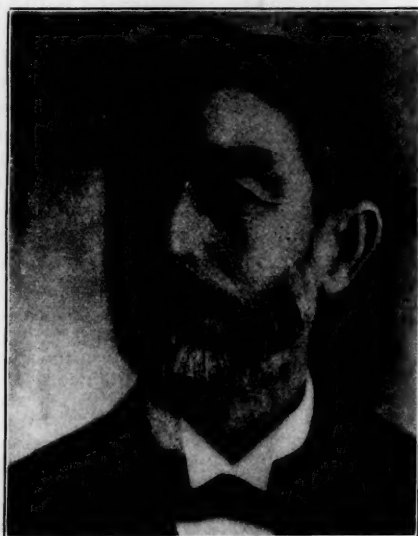
The decree here mentioned refers to a church council held in A. D. 538—the

<sup>1</sup> Attended by three hundred and thirty-eight bishops, but not recognized by Roman Catholics as ecumenical.

Third Council of Orleans—upon whose decisions is based the decree of July 2, 755 A. D. It will be of peculiar interest to note the religious nature of the parent edict cited as the precedent in all these decrees of the Frankish kings. Another interesting feature of the decree passed at the Third Council of Orleans (or *Aurelianensi tertio Anno 538*), concerning the precedent among Sunday edicts quoted by the Frankish kings, is the fact that the same council also transferred the authority to punish the transgressor from the civil officers to the priesthood, or clergy. The state authorized the bish-

ops instead of the civil magistrates to punish all who refused to observe Sunday; and the priesthood put all transgressors under an anathema. The twenty-eighth canon of this council reads:—

Field labors are forbidden, so that people may come to church and worship. If any one acts otherwise, he is to be punished, not by the laity, but by the bishop.—*Bishop Heffele's "History of the Councils of the Church," T. & T. Clark, 1895, Vol. IV, page 209.*



REV. W. F. CRAFTS

Who says that "the churches have influenced the state to make and enforce sabbath laws."

This shows clearly that Sunday laws are purely religious in their genesis; their object has been to compel people "to attend divine service" on that day. The phrase cited above—"so that people may come to church and worship"—can be traced in effect through all Sunday legislation in the American colonies, back to the English Parliament, thence back to the church-and-state régime of the Roman Empire in the days of Constantine, who personally presided

over the Council of Nicæa. As early as A. D. 343, the Council of Sardica directly specified that if any one "neglected divine service" on three successive Sundays, "he is to be excommunicated."

To compel people "to attend divine service" is still the purpose of Sunday legislation as stated by its advocates. Rev. S. V. Leech, D. D., a prominent leader among the Sunday law advocates, said, in the *Homiletic Review* for November, 1892:—

Give us good Sunday laws, well enforced by men in local authority, and our churches will be full of worshipers, and our young men and women will be attracted to the divine service. A mighty combination of the churches of the United States could win from Congress, the State legislatures, and municipal councils, all legislation necessary to this splendid result.

#### Genealogy of Sunday Laws

The following statements, in form of quotations taken from reliable sources, present in succinct form the real facts as to the origin and history of Sunday laws:—

1. Protestantism in America: "During nearly all our American history the churches have influenced the States to make and improve Sabbath laws." — *Rev. W. F. Crafts, in Christian Statesman, July 3, 1890.*

2. Younger States of America: "In Sunday legislation we have followed the example of the older States."

3. Older States: "In Sunday legislation and judicial decisions we have followed the example of the oldest States."

4. Oldest States: "In the matter of Sunday legislation we have followed the example of the original colonies."

5. Original Colonies: "In the matter of Sunday legislation we followed the precedents and example of old England, which had an established religion and a church-and-state system."

6. Old England: "In the matter of Sunday laws and religious legislation, they are the relics of the Catholic Church, introduced among us when that was the established

church of the empire. When Henry VIII, about A. D. 1544, renounced allegiance to the Pope, we retained and are still cherishing these relics of the papal régime."

7. Catholic Church: "Sunday laws and religious legislation were incorporated into our system by the craft, flattery, and policy of Constantine and the ambitious bishops of his time, together with the decrees of popes and councils of later date, by which we transmuted the 'venerable day of the sun' into the Christian sabbath, in honor of the resurrection."

8. Paganism: With them, Sunday observance originated in sun worship, this day, the first in the week, being dedicated to the greatest, brightest, and most luminous visible object in the heavens, the sun. See Rom. 1: 21-25; Eze. 8: 15, 16.

9. Sunday: "So called because this day was



Scene at the trial of Geo. Jacobs, accused of witchcraft under the church and state régime in colonial Massachusetts.

anciently dedicated to the sun, or to its worship." — *Webster.*

10. Sun Worship: "The most ancient form of idolatry." See Job 31: 26-28.

\*\*\*

CIVIL and religious equality is the natural birthright of every person, and is not dependent on the will of the majority. The right of freedom in religion is often denied under the covert of religious requirements misnamed civil obligations, as in the case of Sunday laws. Some people have a raging thirst for the enjoyment of liberty for members of their own cult, but are most unwilling to grant this right to others. He who cannot tolerate another's religion generally has very little of his own.

## An Era of Sunday Closing

C. P. BOLLMAN

THE present is an era of Sunday closing. The times seem to be propitious for such a crusade; for the reason that a great temperance wave is sweeping over the country, and in its wake comes an unparalleled demand for rigid enforcement of all Sunday laws. It is a shrewd movement on the part of the Sunday people. There are many who favor the Sunday closing of saloons who are not in favor of rigid enforcement of Sunday laws in other respects; but when the law is enforced against saloons, the saloon keepers and their friends say, "If we must obey the Sunday law, all others must do the same." And so they insist on enforcing the extreme letter of the law, no matter how great hardship it works on many people; and so it often happens that the people wake up to find that the laws are much more rigid than they ever supposed them to be, and that even the sale of food, milk, ice, etc., is unlawful.

But it will be asked, Why not modify the law then, so as to permit the sale of needful things on Sunday, while still prohibiting the traffic in liquor? That is not, however, an easy thing to do. The saloon keepers and their friends insist that if any change is made, it shall redound to their benefit as well as to the benefit of the poor people who, not being able to have ice chests and to buy twenty-five or fifty pounds of ice at a time, and two days' supply of perishable provisions, must do without, even though it may mean actual suffering for tender infants and fever-parched patients.

We are opposed to saloons, not only

on Sunday but on other days as well; and we cannot but view with alarm the use that is being made of the temperance sentiment to further the strict enforcement of Sunday, not merely as a day when tired toilers who wish to do so may rest, but when all the people, whether tired or not, must rest, and must observe the day by abstaining not only from their ordinary employment, but from every form of secular pursuit, including those

forms of recreation not wrong in themselves, nor out of keeping for a civil rest day, but not consonant with a religious day.

The fact is that every effort and expedient possible is being put forth and invoked to fasten upon the American people the legalized Puritan sabbath, under the name of the "civil Sunday," which is absolutely nothing but a religious institution intrenched in civil laws and enforced by the policeman's club. "Eternal vigilance is the price of liberty," but it is a price that many people are not willing to pay; and so

liberty is subverted, not at the behest of the majority, but at the demand of an aggressive minority holding the balance of power and ready to cooperate with any element they can use to further their own end, the exaltation of Sunday as a religious institution. We may be sure that no stone will be left unturned to further the ends of the Sunday law forces. Their theocratic theory of civil government impels them to the adoption of any measure that promises success. The friends of liberty of conscience should be no less tireless and even more vigilant than the enemies of soul freedom.



KING CHARLES II

Charles II was the father of our American Sunday laws, since practically all of them are modeled after the law promulgated by him in 1676.

## National Reformers Want Death Sentence Pronounced on Promoters of "Liberty"

C. S. LONGACRE

IN the October issue of the *Christian Statesman* the promoters of the LIBERTY MAGAZINE are declared to be guilty of treason against the government because they dissent from the ideas of the National Reformers, and from their schemes to establish "a national religion" in the American Republic. A person guilty of treason against the government merits the death penalty. What we have predicted time and again is now made manifest; namely, that the last step taken by the advocates of a compulsory religion would be to invoke the death penalty upon all dissenters and nonconformists.

The *Christian Statesman* takes the LIBERTY MAGAZINE to task for making the following statement:—

If the government should, through its law-making branch, act regarding the Sabbath, it would be legislating concerning a religious establishment. That would be opposed to the national Constitution. . . . The Sabbath [enforced by law], whether regarded as occurring on the seventh day or the first day, is altogether an establishment of religion.

The *Christian Statesman* makes the following comments:—

Of course all intelligent readers will see the absurdity of the statement in the quotation given above, that "the Sabbath is an establishment of religion." The statement is so supremely absurd that it needs no refutation. It is enough merely to call attention to it. . . . It is throwing dust in people's eyes to say that it is a religious institution.

But now note well this admission if you want to see the absurdity made still more absurd. The very next statement made by the *Christian Statesman* is this:

It [the Sunday] certainly is a religious institution, but that does not mean that it is wholly a church institution.

What a mistake to refer to the statute-entrenched Sunday as "a religious establishment"! Is not Sunday a religious institution? and when established by law,

is it not in that sense a religious establishment?

Of course the *Christian Statesman* would like to make it appear that the words "establishment of religion," as used in the First Amendment to our national Constitution, refer only to the setting up of a fully equipped state church; but it is evident that the fathers of the republic intended them to have no such restricted meaning. The phrase "respecting an establishment of religion," must be understood in the light of the words immediately following it, "or prohibiting the free exercise thereof." Therefore, to intrinsec any religious observance, institution, or custom in the law of the land is to that extent to set up or establish a religion, or, in other words, to erect a religious establishment.

Is not Sunday such an institution? It is certainly religious. Dr. Wilbur F. Crafts, a staunch defender of the principles promulgated by the *Christian Statesman*, makes the following statement:—

A weekly day of rest has never been permanently secured in any land except on the basis of religious obligation. Take the religion out, and you take the rest out.

### Impossible to Extract Religion

This makes it very clear that the Sunday law advocates want religion enforced, and are unable to separate religion from the Sabbath. We submit that any pretense that the Sabbath is a civil institution is nothing short of a deception and a fraud.

The *Christian Statesman* continues:—

There can be no ecclesiastical sabbath unless there is a civil sabbath. No one can keep the Sabbath ecclesiastically if he does not keep it civilly.

What logic! Let us apply it to some other ecclesiastical institutions, and see where it leads us. The Lord's Supper,



the Lord's Prayer, and Christian baptism are all in a sense ecclesiastical, and they are certainly of divine origin. Does the *Christian Statesman* mean to say that these are also civil institutions and cannot exist unless legally enforced by the state? Certainly its logic would lead to this conclusion. We candidly admit, however, that it is just as legitimate to enforce the Lord's Supper and Christian

forced the observance of the Lord's Supper, Christian baptism, the Lord's Prayer, and Sunday as the Lord's Day. It even made church attendance and church support compulsory. The penalty for the violation of any of these compulsory observances ranged all the way from imprisonment or standing in the stocks, to a cruel death on the gibbet, on the rack, or at the stake. The people of the United

States repudiated every vestige of ecclesiastical authority, and by the Constitution debarred Congress from ever legislating upon religion — its usages and institutions. Today the federal government does not have a single Sunday law or any other religious law upon its statute books.

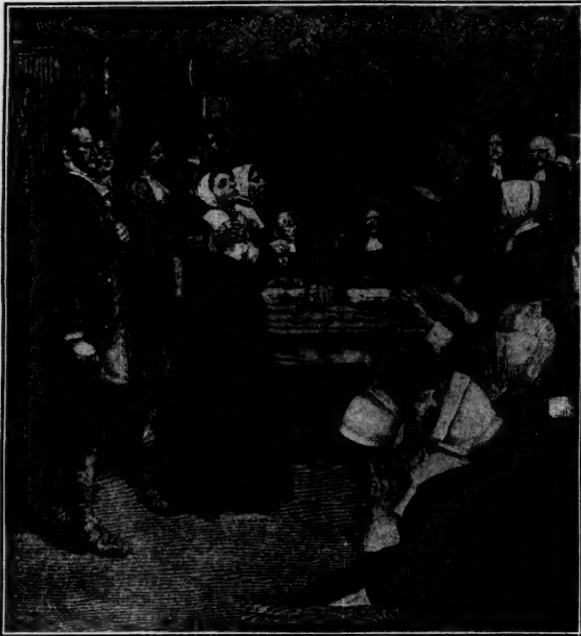
#### Sunday Observance Not of Divine Authority

The *Christian Statesman* further says: —

Just now it matters not how, when, or where it [the Sabbath] originated, although we hold that it is divine, and that by divine, not Roman Catholic, authority it has been fixed on the first day of the week.

The best way to settle this question as to whether the Lord authorized the transfer of the Sabbath from the seventh to the first day of the week or whether

the Catholic Church effected this change, is for the *Christian Statesman* to make good its assertion that the Sabbath has been fixed on the first day of the week by divine authority. Let it supply just one text from the Bible stating that the Lord commanded or authorized the observance of the first day of the week as the Sabbath, or Lord's Day, or as a rest day, either civil or religious. If the *Christian Statesman* will promise not to



A case wherein a double death sentence was imposed under the Puritan theocracy in colonial Massachusetts. Martha Corey, standing near the center of the picture, was condemned for witchcraft, and hanged. Her husband, Giles Corey, standing just behind her with his hand on her arm, was pressed to death for contumacy in refusing to plead to the indictment against him on the same charge.

baptism by the police power as it is to enforce the observance of the Lord's Day. All are religious, and the Lord's Supper and baptism are unquestionably of divine origin. If it is wrong to enforce the Lord's Supper at certain intervals and compel all men to observe it, then it is wrong to enforce the Lord's Day by civil statute.

In medieval times when the church dominated the state, the civil powers en-



quote from the recognized fraudulent epistles forged during medieval times and attributed to the early church Fathers of the second and third centuries after Christ, we will even challenge it to quote any ecclesiastical writer of the first three centuries who attributed the origin of Sunday observance either to Christ or to his apostles.

We are prepared to prove from the authentic history of the church and of church councils that there was no civil

are prepared to prove that the Bible is absolutely silent upon this question, and that the church never took any official action in its early councils regarding this matter until it legislated upon it at the Council of Nice in A. D. 325, by changing the celebration of Easter to Sunday, instead of having it fall on its legitimate anniversary day, as formerly. It was not until later councils that the church made any attempt to have the people keep Sunday instead of Saturday for the



Leaders of the National Reform Association, of which the *Christian Statesman* is the official organ. They are cultured gentlemen, as were also the leaders in the Puritan theocracy.

or ecclesiastical legislation concerning the matter of Sunday observance earlier than the fourth century after Christ, or after the commencement of the great apostasy when the world was about to enter the Dark Ages.

#### **Constantine, Not Christ, Introduced Sunday Laws**

We are prepared to prove that Constantine the Great promulgated the first Sunday law in A. D. 321, in honor of "the venerable day of the sun," instead of the resurrection of Jesus Christ. We

Sabbath, or Lord's Day. Some of the early synods sanctioned the observance of both Saturday and Sunday. The Council of Laodicea, held between A. D. 343 and A. D. 381, was the first one that made Sunday observance obligatory upon all, irrespective of divergent faith, "under pain of excommunication." The Council of Sardica directly specified that if any one neglected divine service on three consecutive Sundays, "he is to be excommunicated." The Council of Orleans, in A. D. 538, went a step farther by authorizing the bishops instead of the

---

Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.—*Constitution of the United States, Art. III, Sec. 3.*

laity or civil authorities to punish all who refused to observe Sunday. Under the church-and-state system of the Middle Ages, the edicts of the church councils became the laws of the state.

#### Sunday Laws Religious for Fifteen Hundred Years

The canons of the church councils prove that Sunday is a religious institu-

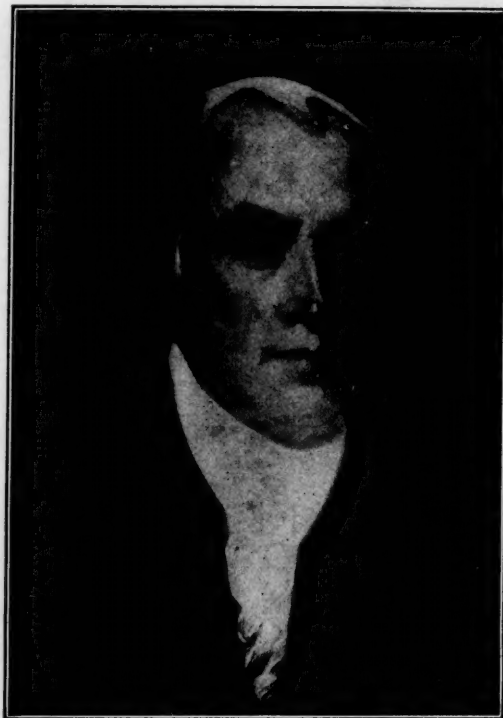
"that all laws enacted and in force concerning the observance of the day, and repairing to church thereon, be carefully put in execution; and that all and every person and persons whatsoever shall upon the Lord's Day apply themselves to the observation of the same, by exercising themselves thereon in the duties of piety and true religion, publicly and privately." How men can call Sunday laws civil laws after they have been recorded as purely religious, with no pretense of their being anything else, for almost fifteen hundred years is well beyond comprehension.

#### The "Christian Statesman" Charges Treason

The *Christian Statesman* finally hurls its anathema against its opponents, and particularly against the promoters of the LIBERTY MAGAZINE, in the following threatening charge of treason against the government:—

It is necessary either to silence the guns of the enemy or to render their fire harmless. . . . If we cannot silence this battery of the enemy, it surely should not be allowed to do harm to our historic institutions. . . .

Whenever any one's theory of liberty leads to the invasion of the liberty of others, it is surely fallacious. Whenever it invades the right of the nation itself, it is doubly fallacious. Opposition to Sabbath laws does invade those rights. But when it would uproot the fundamental principle of government—that nations sustain relations to God and his law—it is treason.



JAMES MADISON, THE FATHER OF OUR NATIONAL CONSTITUTION

tion, and of ecclesiastical, not divine, origin. Nobody will contend that the medieval Sunday legislation was other than ecclesiastical and religious. It was the same in the seventeenth century.

The Act of the Twenty-ninth of Charles II, chap. 7, issued in 1676, was the law in force up to the time of the Revolutionary War, and was the basis of American Sunday laws. The preamble to the act states its object to be, in part,

This shows clearly that if the National Reform Association ever succeeds in getting its policies incorporated into law, it will reinstate the gibbet, the rack, and the stake for all dissenters and nonconformists, and deny the right of free speech, free press, and of petition for redress of grievances. Every protest sent to the governmental authorities concerning an oppressive statute would be regarded as an invasion of the right and authority of

"The Bible foretells the rise of a religious power which will decree the death of all who refuse to do homage to its institutions and dogmas, and here is a religious organization which declares that those who oppose its schemes in behalf of Sunday are traitors, worth only of death."

the nation to dominate all men in all things, both human and divine. The petitioners would be regarded as avowed enemies to the government and guilty of treason. The death sentence would be pronounced upon them in order "to silence the guns of the enemy or to render their fire harmless." It will be a sad day indeed for all dissenters when the church again wields the civil power.

#### **Bible Prediction in Process of Fulfillment**

The day is not far distant when extensive religious organizations will combine in this country to rule the state and punish so-called heretics with death. In

the following unmistakable language, John the revelator thus described this power under the symbol of a beast:—

"And he had power to give life unto the image of the beast, that the image of the beast should both speak [enact laws] and cause that as many as would not worship the image of the beast should be killed." Rev. 13:15.

The Bible foretells the rise of a religious power which will decree the death of all who refuse to do it homage, and here is a religious organization which declares that those who oppose its schemes in behalf of Sunday are traitors, worthy only of death.



**HALL OF HORRORS IN THE HAGUE INQUISITION CHAMBERS**

Everything seen in this room was used for inflicting the keenest torture upon individuals who chose to worship God according to the dictates of their own conscience.

## American Jurists Prove Sunday Laws to Be Religious and Unconstitutional

C. S. LONGACRE

SOME people insist that Sunday laws are civil, but we herewith furnish the judicial and historic proof from incontrovertible sources that they are religious laws, and therefore void and inoperative in America, where the church and the state are separated.

The fact that there are many conflicting decisions upon this question by jurists of equal rank and intelligence shows clearly that judges find themselves between the upper millstone of popular prejudice and the nether millstone of constitutional law; but too often the opinions and the reasons given in their supposed justification show that the courts are influenced more than they ought to be by popular religious opinion.

The following opinion in a case before the supreme court of North Carolina, strikes at the root of this question, and expresses the view that the *LIBERTY MAGAZINE* has consistently maintained from its first number. It is gratifying to learn that we have such eminent jurists on our side:—

In the case of *Melvin vs. Easley* 52, North Carolina Reports, page 382, the question was whether the sale of horses on Sunday was valid in North Carolina, and the court ruled that the Sunday law based on the English law of 29 Charles II was a religious law, void and inoperative in North Carolina, where there was not a union of church and state, and that consequently horse selling or merchandising in private was not prohibited.

The North Carolina Sunday statute under which the case was decided, reads as follows:—

The Revised Statutes, chap. 118, sec. 1: "That all and every person and persons whatsoever shall, on the Lord's Day, commonly called Sunday, carefully apply themselves to the duties of religion and piety, and that no tradesman, artificer, planter, laborer, or other person whatsoever, shall upon the land or

water, do, or exercise any labor, business or work, of their ordinary calling (works of necessity and charity only excepted) on the Lord's Day aforesaid, or any part thereof, on pain that every person so offending, being of the age of fourteen years and upwards, shall forfeit and pay the sum of one dollar." This statute is taken from 29 Charles II, chap. 2, sec. 1, which was enacted in this colony in 1741, and reenacted after the adoption of the constitution.

Judge Pearson, one of the presiding judges of the supreme court, said, concerning the relation of the Sunday law of North Carolina to the sale of horses on Sunday:—

My opinion is that the statute is void and inoperative in respect to cases of this kind, and that its operation is confined to manual or noisy labor, such as is calculated to disturb other people; for example, working at a blacksmith's anvil, or crying an auction in a town. The legislature has power to prohibit labor of this kind on Sunday, on the ground of public decency, and to prevent public devotion from being disturbed; in the same way as the exhibition of animals, or the sale of spirituous liquors within a certain distance of a religious assembly, is prohibited. But when it goes farther, and on the ground of forcing all persons to observe the Lord's Day, and carefully apply themselves to the duties of religion and piety on that day, prohibits labor which is done in private, and which does not offend public decency or disturb the religious devotions of others, the power is exceeded, and the statute is void for the excess, by force of the Declaration of Rights, sec. 19: "All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences." Ours is a Christian country; but Christianity is not established by law, and the genius of our free institutions requires that "church" and "state" should be kept separate. In England, religion is established by law. The head of the church is the head of the state, and the statute 29 Charles II, has full force and effect. Here, is a different condition of things, and only such part of the statute as is necessary to enforce public decency is of force and effect. The English courts have held that "the spirit of the Act of 29 Charles II, is to advance the interest of religion—to turn a man's thoughts

from his worldly concerns and to direct them to the duties of piety and religion," and that "there was nothing in the act to show that it was passed exclusively for promoting public decency, and not for regulating private conduct. Labor may be private and not meet the public eye, and so not offend against public decency; but it is equally labor, and equally interferes with a man's religious duties."

The cases cited from the New England States have no bearing. Their statutes prohibit *all secular labor* on the Sabbath, and the notions there entertained are far more strict and intolerant than the sentiments that have heretofore prevailed in this State.

Judge Manly concurred with Judge Pearson, and made the following significant statements concerning the Statute of 29 Charles II, which was incorporated into the North Carolina statutes:—

An absolute and entire suspension of all secular employment, which would be implied in the prevention of these, and in a strict construction of our statute, has never been supposed to be compulsory in any part of our country, except, perhaps, at one time in New England, by force of their peculiar laws. In North Carolina it would be clearly contrary to the fundamental law to attempt an enforcement of that part of our statute which enjoins upon all persons a careful application of themselves, on the Lord's Day, to the duties of religion and piety. To enforce such an injunction, it must first be settled by the State what specific duties are embraced in our obligations to God, and all men be then called upon to conform to the State ritual. This is forbidden by our Bill of Rights (sec. 19), and would be violative of religious freedom, without which society could not be held together by the ties which at present bind it. So we are of opinion it is against the spirit of our legislation. . . .

I am well convinced there is nothing more essential to the physical, social, and religious elevation of a people than the institution of a week day of rest. . . . But this is not the point. . . .

The leading idea in the original framework of our government, and in the subsequent legislative and executive action under it, has been to leave men as free as is consistent with safety—to interfere no more with social liberty, by law, than is needful to secure order and the rights of each and every one. Outside of this, it is left to the individual citizen to govern himself, guided by the religious and moral teachings to which he is accustomed to resort; and hence the spirit of individual responsibility, of independence and self-reliance, which is so remarkably characteristic of the American people, and which has given such

force and effect to our institutions. Of all the classes of human rights, those which belong to conscience, in the worship of God, are held the most sacred. They cannot be touched without arousing public attention and censure, and it is the last subject on which the State would resort to legislation, not actually needed for political safety and repose.

The English cases cited are in exposition of the 29 Charles II, chap. 7, and establish the conclusion that the statute was intended to act upon the private conduct of the subject. The force of this conclusion, in its bearing upon our case, is impaired by important differences between the statutes in the two cases, and by important differences in the constitutional power of the two governments, affecting the construction. The cases referred to are *Bloxome vs. Williams*, 10 E. Com. L., 60; *Fennell vs. Ridler*, 10 Do., 261; *Smith vs. Sparrow*, 13 Do., 351; *Williams vs. Paul*, 19 Do., 192; *Scarfe vs. Morgan*, 4 Mees. and Welsby (Ex), 270.

In England there is a Christian ritual established by law, with parliamentary provisions for inculcating it privately and publicly, and a consequent right in the government to decide matters of faith and matters pertaining to established rites. In our State there is nothing of the sort. . . . The State confesses its incompetency to judge in spiritual matters between men or between man and his Maker, and leaves all a perfect religious liberty to worship God as conscience dictates, or not to worship him at all, if they can so content themselves. Both peoples are equally Christian, and governed in their affairs, national and personal, alike, by the principles of Christian morality; but the one, through its government, deems it proper to cooperate with the ministers of religion in fostering and enforcing; the other abjures all power to interfere, and leaves spiritual matters exclusively in the hands of the teachers of religion.

Hence, the English cases are not regarded as entitled to the weight of authority here. Their judges are interpreting a different statute, in many important particulars, from that which we are called upon to expound. Their constitution and parliamentary powers and usages are different, and in the light of such differences, the same minds would probably come to different conclusions.

The defense is a novelty in North Carolina, and it has the singular demerit of being unconscientious, and at the same time wearing a garb of Christian morality.—*Vol. LII, North Carolina Reports, pages 378-388.*<sup>1</sup>

<sup>1</sup> Briefly stated, the case was one in which one man had entered into a contract on Sunday for the purchase of certain horses. Subsequently he sought to escape the obligations he had assumed, by pleading that the contract was void because made on Sunday.



# The North Carolina Judiciary Reviews a Popular Error and Denounces It

THE EDITOR

CHIEF JUDGE CLARK of the supreme court of North Carolina shows clearly that the United States is not a Christian nation in a legal sense, and consequently religious institutions have no legal status with the government. We commend the decision of the supreme court of North Carolina on Sunday laws to the Oklahoma court.

The Sunday laws of both Oklahoma and North Carolina are based on religion; that is, their object is to foster religion. The Sunday law of Oklahoma gives a religious reason why the day should be observed. The North Carolina "Revised Statutes," chap. 118, sec. 1, says:—

That all and every person and persons whatsoever shall, on the Lord's Day, commonly called Sunday, carefully apply themselves to the duties of religion and piety, and that no tradesman, artificer, planter, laborer, or other person whatsoever, shall, upon the land or water, do or exercise any labor, business, or work, of their ordinary calling (works of necessity and charity only excepted) on the Lord's Day aforesaid or any part thereof, on pain that every person so offending, being of the age of fourteen years and upward, shall forfeit and pay the sum of one dollar.

"This statute," remarks the judge, "is taken from 29 Charles II, chap. 2, sec. 1, which was enacted in this colony in 1741, and reenacted after the adoption of the constitution." Consequently, the decision of Judge Clark of the supreme court of North Carolina, in *Rodman vs. Robinson*, 134 "North Carolina Reports," page 508, ought to have weight in the Oklahoma case of *State vs. Krieger*. Both involve the question of whether a business transaction is legal, or valid, on Sunday. Judge Clark, in delivering his opinion, said:—

Counsel for defendant contend that Christianity is a part of the law of the land, and hence, independent of any statute, the contract is invalid. If the observance of Sunday were

commanded by statute as an act of religion or worship, such statute would be absolutely forbidden. The Founder of the Christian religion said that his kingdom was "not of this world," and under our constitutions, both State and federal, no act can be required or forbidden by statute because such an act may be in accordance with or against the religious views of any one. The First Amendment to the federal Constitution provides: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof," and the constitution of this State, Art. I, Sec. 26, reads: "All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should in any case whatever control or interfere with the rights of conscience." If, therefore, the cessation of labor or the prohibition or the performance of any act were provided by statute for religious reasons, the statute could not be maintained. The Seventh-day Baptists and some others, as well as the Hebrews, keep Saturday, and the Mohammedans observe Friday. To compel them or any one else to observe Sunday for religious reasons, would be contrary to our fundamental law. . . .

It is incorrect to say that Christianity is a part of the common law of the land, however it may be in England, where there is union of church and state, which is forbidden here. The beautiful and divine precepts of the Nazarene do influence the conduct of our people and individuals, and are felt in legislation and in every department of activity. They profoundly impress and shape our civilization. But it is by this influence that it acts, and not because it is a part of the organic law which expressly denies religion any place in the supervision or control of secular affairs. As a contemporary construction of the federal Constitution, it may be well to recall that one of the first treaties of peace made by the United States,—that with Tripoli,—which was sent to the Senate with the signature of George Washington, who had been president of the convention which adopted the United States Constitution, began with these words: "As the government of the United States is not in any sense founded on the Christian religion." This treaty was ratified by the Senate.

If it was presumption in Uzza to put forth his hand to stay the tottering ark of God at the threshing floor of Chidon, it is equally forbidden under our severance of



church and state for the civil power to enforce cessation of work upon the Lord's Day in maintenance of any religious views in regard to its proper observance. That must be left to the conscience of men, as they are severally influenced by their religious instruction. Churches differ widely, as is well known, on this subject; the views of Roman Catholics and Presbyterians, for instance, being divergent, and the views of other churches differing from both. Even if Christianity could be deemed the basis of our government, its own organic law must be found in the New Testament, and there we shall look in vain for any requirement to observe Sunday. . . . The Master's references to the Sabbath were not in support but in derogation of the extreme observance of the Mosaic day of rest indulged in by the Pharisees. The Old Testament commanded the observance of the Sabbath, . . . and it designated Saturday, not Sunday, as the day of rest.

Sunday was first adopted by Christians in lieu of Saturday long years after Christ, in commemoration of the resurrection. The first "Sunday law" was enacted in the year 321 after Christ, soon after the emperor Constantine had abjured paganism, and apparently for a different reason than the Christian observance of the day. It is as follows: "Let all judges and city people and all tradesmen rest upon the venerable day of the sun. Let those dwelling in the country freely and with full liberty attend to the culture of their fields, since it frequently happens that no other day is so fit for the sowing of grain or the planting of vines; hence, the favorable time should not be allowed to pass, lest the provisions of heaven be lost." "Given the seventh of March, Crispus and Constantine being consuls, each for the second time (321)."—*Codex Justin., lib. 3, tit. 12, i. 3.*

Evidently Constantine was still something of a heathen. As late as the year 409 two rescripts of the emperors Honorius and Theodosius indicate that Christians then still generally observed the Sabbath (Saturday, not Sunday). The curious may find these set out in full in *Codex Justin., lib. 1, tit. 9, ex. 13*. Not till near the end of the ninth century was Sunday substituted by law for Saturday as the day of rest by a decree of the emperor Leo. (*Leo Cons., 54*.)

The Saxon laws under Ine (about A. D. 700), forbade working on Sunday, but under Alfred (A. D. 900) and Athelstan (A. D. 924) the prohibition was merely against marketing on Sunday, and there seems to have been no statute against working on Sunday (whatever the church may have enjoined) until the above-cited statute, 29 Charles II, chap. 7 (A. D. 1678), the first part of which is almost verbatim our statute. (*Code, sec. 3782.*) This statute is the foundation of nearly all the

Sunday legislation in this country. Indeed, it appears from the records of Merton College, Oxford, that at its manor of Ibstone, in the latter part of the thirteenth century, contracts with laborers provided for cessation from work on Saturdays and holidays, but it was stipulated that work should be done in regular course on Sunday. (Thorold Rogers's "Work and Wages," chap. 1.) Indeed, it seems that this was usual in England till the time of the Commonwealth and the rise of the Puritans to power, but the change was not enacted into law till the above-cited statute of Charles II, in 1678.

The first Sunday law in this country was enacted in Virginia in 1617 (three years before the landing at Plymouth), and punished a failure to attend church on Sunday, with a fine payable in tobacco. This was reenacted in 1623. (Henning's "Statutes at Large," Va., 1619-60, Vol. I, page 123.) Plymouth Colony made it punishable by imprisonment in the stocks to go to sleep in church (*Records, Vol. XI, page 214*), and on June 10, 1650, the same colony made it punishable by whipping to do "any servile work or any such like abuse" on the Lord's Day. "So any sin committed with an high hand, as the gathering of sticks on the Sabbath day [Sunday], may be punished with death, when a lesser punishment might serve for gathering sticks privily and in need."—"*Records of Massachusetts Bay, Vol. II, page 93.*"

Publicity did not then have the virtue attributed to it as now, but the reverse. "Divers other offenses were made capital punishments, viz., profaning the Lord's Day in a careless or scornful neglect or contempt thereof," says Hutchinson's "History of Massachusetts," Vol. I, page 390. "The New Haven Colony Records," 1653-55, page 605, contain a similar provision that profaning the Lord's Day by "sinful servile work or unlawful sport, recreation, or otherwise, whether willfully or in a careless neglect, shall be duly punished by fine, imprisonment, or corporally, according to the nature or measure of such sin and offense;" providing further that if "the sin was proudly, presumptuously, and with a high hand committed," such person "shall be put to death."

On May 19, 1668, after the union of New Haven and Connecticut in one colony, unnecessary travel or playing on Sunday, or keeping out of the meetinghouse, was made punishable by imprisonment in the stocks, adding, "And the constables in the several plantations are hereby required to make search for all offenders against this law, and make return thereof."—"*Colonial Records of Connecticut, 1665-67, page 88.*" Similar laws, but of less severity, were enacted in some other provinces. . . .

We hold that our statute does not make void the contract here sued on. In the lan-

guage of Judge Caldwell, in case of *Swan vs. Swan*, 21 Fed. Rep., page 305: "It would be downright hypocrisy for a court to affect to believe that the moral sense of a community would be shocked by compelling a man to pay a note given for an honest debt because it was executed on the Lord's Day." And the same is true of the enforcement of any contract.

Among the authorities elsewhere which hold in accordance with our decisions that a note or contract made on Sunday is valid, are *Bartlett vs. Aplington*, Fed. Cases, No. 1045; *More vs. Clymer*, 12 Mo. App., 11; *Glover vs. Cheatham*, 19 Mo. App., 656; *Sanders vs. Johnson*, 29 Ga., 526; *Dorough vs. Mort Co.* (Ga.), 45 S. E. Rep., 29 (1903); *Ray vs. Catel*, 51 Ky., 532; *Hazzard vs. Day*, 14 Allen (Mass.), 487, 92 Am. Dec., 790; *Geer vs. Putnam*, 10 Mass., 312; *Kaufman vs. Hamm*, 30 Mo., 388 (which held valid a promissory note made on Sunday); *Foster vs. Wooten*, 67 Miss., 540; *Horacek vs. Keebler*, 5 Nebr., 355; *Fitzgerald vs. Andrews*, 15 Nebr., 52; *Switcher vs. Williams*, *Wright* (Ohio), 754; *Bloom vs. Richards*, 2 Ohio St., 387; *Hellems vs. Abercrombie*, 15 S. C., 110, 40 Am. Rep., 684 (which holds a mortgage executed on Sunday to be

valid); *Milk vs. Williams*, 16 S. C., 593, 40 Am. Rep., 684; *Lucas vs. Larkins*, 85 Tenn., 355 (privy examination on Sunday valid); *Gibbs vs. Brucker*, 111 United States, 597; *Allen vs. Gardner*, 7 R. I., 22; *Moore vs. Murdock*, 26 Cal., 514; *Johnson vs. Brown*, 13 Kans., 529; *Birke vs. French*, 21 Kans., 238; *Boynnton vs. Page*, 13 Wend., 425; *Miller vs. Roessler*, 4 E. D. Smith, 234; *Balsord vs. Every*, 44 Barb., 618; *Merritt vs. Earle*, 29 N. Y., 515; *Eberle vs. Mehebach*, 55 N. Y., 682; *Amis vs. Kyle*, 2 Yerk (Tenn.), 31; *Behan vs. Ohio*, 75 Tex., 87; *Schneider vs. Sanson*, 62 Tex., 201; *Richmond vs. Moore*, 107 Ill., 429; *Main vs. Johnson*, 7 Wash., 321; *Raines vs. Watson*, 2 W. Va., 371; *Clark Contracts*, 395; and there are others to same purport. . . .

To sum up the whole matter, the validity, in the courts, of any act done on Sunday depends not upon religious views. . . . As was said in *State vs. Rickett's*, supra, "What religion and morality permit or forbid to be done on Sunday is not within our province to decide." Judge Clark presiding and rendering opinion. Judge Walker concurred in results. Filed March 29, 1904.

\*\*\*

## What Constitutes Disturbance?

C. P. BOLLMAN

THE Sunday law of Arkansas provides that "no person who from religious beliefs keeps any other day than the first day of the week as the Sabbath shall be required to observe the first day of the week, usually called the Christian sabbath, and shall not be liable to the penalties enacted against Sabbath breaking; provided, no store or saloon shall be kept open or business carried on there on the Christian sabbath; and provided further, no person so observing any other day shall disturb any religious congregation by his avocations or employments."

Recently in that State one "who from religious beliefs" keeps another day, was arrested while picking peas on Sunday, and was taken before a magistrate for examination. After some questioning, he was reprimanded, and discharged with a caution. He of course urged that he was exempt under the statute, since, as he understood the law, he was not disturbing any individual, much less "any

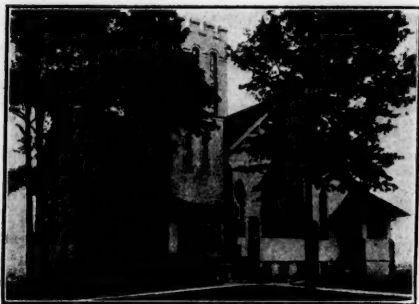
religious congregation." But the constable who made the arrest said to him, "I will be disturbed as soon as I know you are working on Sunday."

This reminds us of the story of a good woman who complained to some Sunday ball players that they disturbed her by playing on the block adjoining her house. The players then removed to another vacant lot several blocks away. But by going upstairs and using her opera glasses the good woman could still observe the game, and again she complained that she was disturbed. Of course the disturbance was wholly mental. She felt that playing ball on Sunday was wicked, and her moral sense revolted against it.

This lady's state of mind was similar to that of certain of the Puritans in colonial Massachusetts. The king of England ordered that one of the chapels in Boston be opened for worship according to the ritual of the Episcopal Church. This order was bitterly resisted by the

Puritan leaders, who asserted that they would be greatly disturbed by the knowledge that such worship was being conducted in their colony.

A number of people in colonial Virginia were greatly disturbed in exactly the same way by the Baptists. The Baptists held their simple worship, and then when there was occasion repaired to some convenient stream for the purpose of celebrating the rite of baptism. It seems there were seldom wanting "lewd fellows of the baser sort," who by cat calls, the throwing of sticks, stones, etc., disturbed the peace of the community. But instead of arresting the real culprits, the officers would arrest the Baptists and charge them with disturbing the peace.



TAKOMA PARK S. D. A. CHURCH

The charge made by the wolf that the lamb which was downstream from him muddied the water so that he could not drink, was not more absurd than is the claim that ordinary Sunday work is any real disturbance that can be prohibited for any purely civil reason.

This was well illustrated recently by a real experience in Takoma Park, Md. Some street work was being done by the village alongside the Seventh-day Adventist church. For three hours on a Saturday, or from 10 A. M. to about 1 P. M., nearly two hundred people were worshipping in the church, but nobody so much as thought of being disturbed. There was some noise, it is true, but not enough to interfere with the services, and even those farthest removed from the pulpit and nearest to the street were not

disturbed, and why not?—Simply because they gave the matter no thought. They did not feel responsible for what others were doing, and were therefore not annoyed. But suppose the work had been done on Sunday adjoining a church occupied by a first-day congregation; probably the service would have been greatly disturbed, or might even have been discontinued in angry protest against such "wanton desecration," and such "overt interference with the religious liberty of the community." It makes all the difference in the world whose ox is gored, especially if one of the beasts has been tenderly reared and is not accustomed to being roughly used. But seriously, is there any purely civil reason why anybody should be protected upon any day against merely mental annoyance, such as the knowledge that others in the immediate neighborhood do not believe and practice as they themselves do? If any such reason exists, we should be glad to know of it.

\*\*\*

### Puts Man in the Place of God

NATIONAL REFORMISM is opposed in principle to the fundamental idea of personal responsibility. Once granted that it is the duty of the government to legislate upon the divine law, and to enforce that law, the conclusion necessarily follows that the individual is responsible not to God, but to the government. Of necessity the question for the individual is not, What says the divine law? but, What says the government about the divine law?

Under the papal theory, the Pope becomes or is the so-called viceregent of the Son of God, ruling in his stead; under the National Reform theory, the civil government becomes the viceregent of Divinity, authorized to interpret and enforce the divine law. But no less than the papal theory the National Reform theory puts man in the place of God, and leaves the individual without any certain, infallible moral standard. What, then, would practical National Reform be but an image to the papal beast?

## Merchandising on Sunday Not a Crime Against the State

THE EDITOR

CHIEF JUSTICE RUFFIN of the supreme court of North Carolina ruled that "to keep an open shop on Sunday is not criminal," and that "it was not an indictable offense to sell goods" on that day, because "the deed in itself lacked the essential elements of a criminal act." Courts and legislatures often fail to recognize the science of law, and make acts criminal by arbitrary rulings, when the acts themselves are commendable under purely civil law. The nature of a deed, not the particular day upon which it is done, should determine its quality. Otherwise, the object of the law would be to honor a day instead of preventing the committal of crime.

Chief Justice Ruffin also showed that our Sunday statutes are based on English law. In England there is a union of church and state. American jurists who quote the decisions of English jurists on Sunday laws do our American free institutions a great injustice, because English laws and decisions are not applicable nor of binding obligation here. He also declares that in America "the Christian religion is not a part of the fundamental law of the land," but merely "recognized as an existing and as a prevalent religion."

We recommend the decision and opinions of the supreme court of North Carolina to the consideration of the Blaine County (Oklahoma) Court, in which the Krieger case is pending (referred to in another part of this magazine), as the statute is practically the same in both States. The court record of North Carolina concerning two opinions delivered by Chief Justice Ruffin is as follows:—

### Opinion Applicable to Oklahoma Case

In *State vs. Brooksbank*, 28 N. C., 73, Judge Ruffin ruled that "it was not indictable to sell goods in open shop on

Sunday." "It is lawful for the defendant to keep an open shop in Fayetteville, N. C., and sell thereat. . . . The question is whether it is criminal to do so on Sunday."

The indictment is framed upon the precedent in 2 Chitt. Cr. L., 20, which is taken from the "Crown Circuit Companion." Notwithstanding the precedent and what is said by some writers on the law, it may be doubted whether, in the superior courts in England, the profanation of Sunday merely as such would be held to be indictable; and thus, for the reason suggested in *State vs. Williams*, 4 Ired., 400. . . .

However, if such an indictment be sustainable in England, it must be, as we conceive, and stated in the case referred to, because working and trafficking on Sunday is, according to the doctrine of the established church, a profanation of that day; and as it is thus criminal according to the law of the church, it becomes criminal against the civil government, which established the church. But that reasoning is entirely inapplicable here. With the theological question the court disclaims the intention to concern. We have no right nor purpose, as municipal judges, to decide or discuss it, even if we were competent to handle a point which has been so much controverted among learned and pious men of almost all periods. But our duty is strictly limited to the inquiry whether the law of North Carolina, as the law of the State, and not of a religious establishment, has made the profanation of Sunday by keeping open shop an indictable offense. And upon it we must say, as we said in *Williams's* case, that it has not, and for the reasons given in that case. We have no established church, with authority to prescribe duties in reference to this or other religious tenets, to which all the citizens are bound to render obedience; and, merely as the violation of a duty of religion, we cannot punish the profanation of Sunday.—*December Term, 1845.*

In *State vs. Williams*, 26 North Carolina, 400, Judge Ruffin held that "a profanation of Sunday by performing labor on that day is not an indictable offense."

We do not find it anywhere stated that doing secular work on Sunday is, *per se*, an



offense at common law. There is, indeed, in the "Crown Circuit Companion" a precedent (which is also adopted in 2 Chitt. Cr. L., 20), as an indictment against a butcher as a common Sabbath breaker and profaner of Sunday, for having, within certain times, kept a common public and open shop in a town on Sunday and sold therein meat to divers persons. . . .

But we do not perceive how it can become an offense at law even when the labor is both openly and publicly performed, as in a town, for example, except upon a process of reasoning of this kind: That the Christian religion is a part of the common law, that it forbids work on Sunday, not only as a sin in itself, but as a disturbance to others and as an injury to the State, and therefore that the law prohibits such profanation and punishes it. But we cannot believe that such a principle was established at the common law. In the first place, the extent of the obligation of the Sabbath under the gospel is a point on which the professors and teachers of Christianity have been far from agreeing. . . .

Although it may be true that the Christian religion is part of the common law, it is not so in the sense that an act contrary to the precepts of our Saviour or of Christian morals is necessarily indictable. Those which are merely against God and religion were left to the correction of conscience. . . .

The making of bargains on Sunday was not a crime against the State. For contracts made on that day are binding. It has often been so ruled in this State, and after elaborate argument and time to advise. . . .

We do not perceive that laying the act as a common nuisance can vary the result, if *per se* the profanation of Sunday be not an offense. If the act of the accused in fact disturbs others in the performing of their duties of piety, that will itself be a specific offense, whether committed on Sunday or any other day. If the particular work or trade

be not in its nature a nuisance, as prejudicial to the health or comfort of the public, it does not become so by being performed or carried on one day more than another. If the precedent of the indictment against the butcher at common law can be supported at all, it must be on the ground that in England the Christian religion is established by law, and that, according to its principles, as established, the profanation of Sunday is criminal. . . . It be-



YUAN SHI-KAI

The great Chinese reactionary who some months ago made Confucianism the official religion of China and who has since assumed imperial power.

came an offense against the state by being contrary to the religion which the state had established. . . . In this State, however, although recognized as an existing and as a prevalent religion, it is not, and cannot be, established by law in any form, nor as consisting of any particular doctrines, or imposing any special duties of worship, or of worship at particular places and periods. Therefore, however clearly the profanation

of Sunday might be against the Christian religion, it is not, and could not here be made, merely as a breach of religious duty, an offense; and much less can it be held an offense at common law. . . . There are many of-

fenses against God which are not offenses against the state. . . . No change in the law (North Carolina) is called for. *Per curiam*. Judgment reversed, and *venire de novo*.—*State vs. Williams*, 26 N. C., 400.

\*\*\*

## Civic Righteousness

S. B. HORTON

THAT there is such a thing as civic righteousness may not be successfully denied. The Great Teacher of righteousness gave a command in regard to civic righteousness when he said, "Render to Cæsar the things that are Cæsar's." Therefore when the citizen renders to civil government the things which belong to it, then may it be said of him that he enjoys the record of good citizenship, civic righteousness.

But there is reason to believe that a misapprehension exists on the part of many, particularly among a large number of religious leaders, in regard to what constitutes civic righteousness, judging from certain movements being made on the part of the religious forces in this country. Beginning soon after the close of the Civil War, these movements have been focused into interchurch unions (limited) and kindred federations.

Civic righteousness with many today has come to mean that the nation's citizenry shall not only "render to Cæsar the things that are Cæsar's," but that there shall also be rendered unto Cæsar "the things that are God's;" whereas the command of the Saviour explicitly states that we are to render unto Cæsar only that which belongs to Cæsar, and to God the things that are God's. The Saviour's instruction suggests a twofold relationship—one pertaining to God's government, the other pertaining to human government. One is a citizenship involving purely civil matters, and belongs to this world; while the other has to do with a citizenship which may be called heavenly. "My kingdom is not of this world," says Christ. "Our citizenship is in heaven," says the apostle Paul.

In both cases organization is an essential factor. The church is a body com-

prising a volunteer citizenry of those who choose to serve the Lord as a result of conviction affecting the heart and inmost thoughts, which, brought to its fullest development, is termed conversion. The one essential element entering into this condition is individual faith.

The state is an organization ordained of God primarily for the government of those who do not choose to serve the Lord. If all mankind had chosen to serve the Governor of the universe, there would have been no need of the state, or civil power. But for the control in civil affairs of even those who do not serve him, "the powers that be are ordained of God," and with the ordaining of these "powers that be" is revealed the limit of their ministry. The realm of civil authority is fixed by the One ordaining "the powers that be." By reference to Romans 13, it will be noted that good citizenship, civic righteousness, demands that there shall be rendered to all "their dues: tribute to whom tribute is due [as in the case of rendering to Cæsar]; custom to whom custom; fear to whom fear; honor to whom honor." Verse 7.

The same chapter tells us that "rulers are not a terror to good works, but to the evil," and in verse 9 the scope of civil authority is shown to be confined to the realm of that relationship affecting one another as neighbors, or, as man to man. It is well to note at this juncture the response of Jesus to the question as to which was the greatest commandment. He said: "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind. This is the first and great commandment. And the second is like unto it, Thou shalt love thy neighbor as thyself." Matt. 22: 36-39.



It must be seen, therefore, that civic righteousness and the realm of civil authority are matters in which man's relation to his fellow man is involved, and this is covered by the last six commandments of the decalogue.

Now, it is possible for a citizen to be civilly righteous, and yet not altogether in harmony with God. Witness the case of the young ruler who inquired of Jesus, "What good thing shall I do, that I may have eternal life?" See Matt. 19:16. The response was, "Keep the commandments." "Which?" Here the opportunity presented itself to teach a great lesson on the question of positively religious as well as civic righteousness.

Upon being told of the commandment affecting his relation to his fellow man, the young man said, "All these things have I kept from my youth up: what lack I yet?" "If thou wilt be perfect, go and sell that thou hast, and give to the poor, and thou shalt have treasure in heaven: and come and follow me," the Saviour replied. The young man turned away very sorrowful, for he had great possessions. This indicates that while civilly righteous, he was not in proper relation to his God.

Our duty to God is epitomized in the first four commandments of the decalogue. These duties are to be rendered to God, not to Cæsar. In the early centuries of the Christian church, the attempt to coerce men to serve God by civil laws is what produced the union of church and state, causing the Dark Ages, and the need for, and the coming in due time of, a nation which would recognize the distinction between what is due to God, and what is due to Cæsar, or civil government.

In the repeated demands for civic righteousness in America, we see evidences which portend evil to the state as well as to the church. In the call for compulsory Sabbath observance, there is a demand that men shall render to Cæsar (a civil government) that which belongs to God. Sabbath observance belongs to God, a claim which is borne out by the

Holy Scripture. "Moreover also I gave them my Sabbaths, to be a sign between me and them [not a sign between God and the nations of the world, but simply between him and his people], that they might know that I am the Lord that sanctify them." Eze. 20:12. The Sabbath law is one of the commandments which define our duty to the Creator. That this is territory which mere human government is not commissioned to enter is fully demonstrated in the cases of Mordecai; of Daniel, Shadrach, Meshach, and Abed-nego; of John the Baptist; of Peter, James, and John; of the martyrs of the first and subsequent centuries,—a territory forbidden to Congress by the Declaration of Independence and by our national Constitution.

Shall this country turn back the hands of the clock which for a century and a quarter has struck the hours of religious and civil liberty? It is to be hoped that our rulers and legislators may not be seduced into amending the Constitution, declaring this to be a religious nation, the sign of which shall be compulsory Sunday observance. Let us have civic righteousness—personal integrity and upright civil administration—by all means, but let it come, in accordance with the American and Christian idea of civil government, and as pointed out by the One who ordained "the powers that be, and gave them the bounds of their authority," and not by a union of church and state in the open or in disguise.

\*\*\*

TRUTH and Christianity can stand without civil supports, for the reason that they are divine. God needs no help from Cæsar. God will overthrow his enemies and finally set up his kingdom without the aid of civil government. All the Lord ever asked man to do was to preach a gospel of love, and of the reconciliation of men to God by his abounding grace. The gospel message can be enforced only by the power of the divine Spirit, never by the power of the sword of Cæsar.

C. S. L.

## Sunday Newspapers to be Blacklisted

H. W. COTTRELL

Is it wrong to purchase a newspaper? Surely it is not. Probably no candid person will question this conclusion. Is it an invasion of any one's natural rights? Again the answer must be, No. Then should the people of Oregon favor an initiative measure to be enacted into a Sunday-closing law that will prohibit the sale and purchase, on Sunday, of something which all are agreed is in itself good? If, then, a law shall be made prohibiting the purchase and sale on Sunday of a newspaper, which is perfectly proper to buy on any other day, it will be evident that the law is made to protect Sunday as a religious institution.

The principle here is unlike the one involved in the legal prohibition of the liquor traffic, for an intoxicating beverage is not a good article on any day of the week, since it dethrones reason—a thing to which every man is inherently entitled.

All Sunday legislation, when unmasked, will be seen to be religious in its nature. Dr. G. L. Tufts, field secretary of the One-day-of-rest-in-seven League, is said to be the moving spirit behind the agitation for initiating a proposed Sunday-closing law at the next general election in Oregon, the proposed law to be so drastic that it will close theaters and other places of amusement, all places of business,—even drug stores,—and “make it impossible to buy even a newspaper on Sunday.”

The interpretation that has been placed on proposed Sunday laws by their advocates in recent years is that Sunday legislation is in the interest of “civic rest” for the masses of working people, and not in the interest of a religious institution. Dr. Tufts has advocated the “civic rest” idea and the idea of an “American sabbath,” in direct opposition to the fact that all such legislation is, when unveiled, really in the interest of religion.

The supreme court of the universe has defined the rights of divine and civil governments, from which decision there can be no appeal, or recall of the Judge. Said our divine Lord, “Render therefore unto Cæsar [civil government] the things which are Cæsar's; and unto God the things that are God's.” Matt. 22:21.

There is much agitation today in ministerial and other religious and political circles over the question of Sabbath rest. The Sabbath belongs to God, according to the decision of the Supreme Judge of the universe, and should be rendered to him in harmony with his above-quoted decision, and not to civil government, whether the day be Sunday, Monday, Friday, or Saturday. “Render . . . unto God the things that are God's.” “The seventh day is the Sabbath of the Lord thy God.” Ex. 20:11. Of Christ it is said, he “is Lord . . . of the Sabbath” (Mark 2:28), and “Judge of all” (John 5:22; Rom. 2:16).

True Sabbath keeping is *worship*, therefore it cannot, of right, be rendered to civil government. To enact and enforce upon Christian and non-Christian citizens or subjects a “civil” law requiring obedience to Christian institutions, such as the Sabbath, baptism, or the Lord's Supper, is to form, to just that extent, a union of church and state. And in such a case may we not be assured that the partnership would not always be the most agreeable? To form such a union, and to require such obedience, is to do the very thing our divine Lord forbade. He ordained civil government to control in civil affairs, and divine government to deal with the consciences of men, and to control in religious matters. In contradiction to this, Pope Pius X, in his letter addressed to the bishops of France, under date of Feb. 11, 1906, said, “That it is necessary to separate church and state is a thesis absolutely false—a most pernicious

cious error." But should not we obey the word of God, the Supreme Ruler, by keeping church and state forever separate?

Why, then, all this agitation about civil-law enforcement of Sabbath rest? It is the privilege of a Christian or of any other person to rest on the Sabbath, whichever day of the week it may be, without initiative measures to make laws to compel himself to rest upon the day of his choice. Or is this course a tacit acknowledgment that he is so weak morally that he cannot observe the day unless compelled so to do by civil law? Or may it be true that the lack of personal Christian experience impels him to endeavor, through civil law, to compel those who are not Christians to act at least one day in seven (Sunday) as if they were, and to compel Christians of other persuasions to act at least on Sunday as if they were of his sect?

All religio-civil laws, even though they should be declared constitutional, are nevertheless an invasion of the God-bestowed personal right of choice in matters of conscience; for every person has a natural right to choose his religion if he has chosen to be religious. Likewise any person has the inalienable right of choice not to be religious if he so desires, provided only that in each case, in the carrying out of his ideas, he does not invade the equal rights of others.

A Sunday law and its enforcement is also an invasion of the rights of the men who make it, for by said law they compel themselves ever after to act in religious matters as they are now acting, however much greater light they might thereafter obtain.

Circuit Judge Morrow in a recently rendered opinion declared Sunday laws in Oregon unconstitutional. This decision has since been reversed by Justice Burnett of the supreme court, which leaves religio-civil laws of the State constitutional according to the latter decision.

This decision leaves the citizens face to face with class legislation; one class being favored to the detriment of an-

other class whose ideas may differ from their neighbors as to the day of rest. If religion is to be enforced by civil law, the religion of what sect shall it be? If it be contended that the majority of Christians are agreed that Sunday is the Sabbath, and that it should be enforced on all men by civil law, would not such an act be an invasion of the realm of conscience of the minority of Christians, to say nothing of that still larger body of well-disposed men and women — honorable citizens — who make no profession of religion, but who have equal inherent rights with Christians?

If it be really true that the one-day-of-rest-in-seven agitation is not in the interest of religion, but only "civic" rest is desired, should not the promoters proceed to make use of the initiative in the interest of a weekly state holiday, with no hint of Sabbath sacredness, or of compulsory observance? Every citizen would then retain his liberty of conscience to serve God in harmony therewith, or not to worship him, as he might elect; for upon state or national holidays men labor or rest at will.

Civil government was ordained of God to direct and control in civil matters, assuring equal protection to all citizens or subjects in the enjoyment of their inherent rights to worship Almighty God, or not to worship, as they may severally elect, provided their conduct in worship or nonworship does not invade the equal rights of their fellow men.

Religious legislation is contrary to the teachings of our divine Lord, and to the First Amendment of the federal Constitution. Every citizen should therefore enter his protest against all proposed legislation in the interest of Sunday, Saturday, or any other day of the week, and of every other phase of religious legislation; for God, through his Word, will take care of the religion of his people.

First prosecution, then persecution. Remember the experience of the Baptists, Quakers, Roman Catholics, and others, who were whipped, banished, and hanged under the New England blue laws.

# EDITORIAL.

## The Oklahoma Sunday Law Prosecution Defendants Appeal Their Case

It has been the policy of the LIBERTY MAGAZINE to defend the religious rights of all peoples, irrespective of nationality, color, or creed. We shall continue this policy as long as any man is oppressed for conscience' sake.

On August 3 and 4, the Blaine County Court, at Watonga, Okla., tried G. J. Krieger and his son, Isaac Krieger, on the charge of violating the Sunday law of Oklahoma. These men are both conscientious Christians, members of the Seventh-day Adventist Church in Hitchcock, Okla. They conscientiously observe the seventh day, or Saturday, as the Sabbath. A special clause was enacted by the legislature of Oklahoma to exempt and protect all seventh-day observers from the obligations imposed by the statutes of the State requiring the observance of Sunday.

The section under which these men could legally claim exemption from the penalties imposed by the Sunday law of that State reads as follows:—

It is sufficient defense in proceedings against servile labor on the first day of the week, to show that the accused uniformly keeps another day as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time.—*Revised and Annotated Statutes of Oklahoma,* sec. 1965.

The Oklahoma State Constitution also contains the following seemingly ample guaranties and immunities to all citizens of that State:—

Perfect toleration of religious sentiment shall be secure, and no inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship; and no religious test shall be required for the exercise of civil and political rights.—*Art. I, Sec. 2.*

Reason, logic, and good sense would seem to say that these statutory and constitutional guaranties and immunities ought to constitute a sufficient safeguard and protection to the conscientious observer of the seventh-day Sabbath. If these could not protect from indictment under the Sunday law, they certainly ought to secure to the conscientious observer of the seventh day the right to prove by his own testimony and that of others that he regularly observes another day than Sunday. But the said court in Oklahoma denied the defendants any and all rights of appeal to these constitutional guaranties and statutory immunities, as we shall presently show from the transcript of the evidence in the case. The court ruled against this defense, on the ground that they were not trying the defendants under a religious statute, but under a civil statute.

Evidently the judge and the prosecuting attorney had forgotten the preamble to the Sunday law, or they would not have denied its religious character. This preamble reads as follows:—

The first day of the week being by very general consent set apart for rest and religious uses.—*Revised Statutes, sec. 1960.*

This preamble sets forth a "religious reason" for the statute, and it is for a similar reason that the exemption clause is inserted; namely, to protect the religious faith of those who observe "another day as holy time." No one would ever think of denying the religious character of the exemption, and the religious reason for the law is just as evident.

During the trial the prosecuting attorney put forth a most determined effort, and finally the court sustained him in his contention, to keep the attorney for the defense from supplying the evidence that



the accused belong to a church which observes "another day as holy time," and that the defendants had conscientiously and uniformly kept another day as holy time, as the law required. The very evidence that would have cleared the accused in the sight of the law, was denied the defense and kept from the jury. The very weapon that the constitution and statutes of Oklahoma put into the hands of the defendants to protect themselves in such an issue was stricken out of their hands by the court, who should have seen to it that they had the benefit of every legal safeguard.

We herewith submit a few of the questions bearing on this phase of the trial as they appear in the transcript of the evidence from the court records:—

Direct examination of Isaac Krieger by Attorney Woolman for defendants.

*Question.*—State to the jury of what religious faith or sect you are.

By Prosecuting Attorney Mr. Boardman: State objects to the question as incompetent, irrelevant, and immaterial; not defensive matter to the issue in the case.

By the Court: Sustained.

By Mr. Woolman: Excepted.

*Ques.*—Did you on the twentieth day of June, 1915, belong to any religious sect?

Objected to by prosecuting attorney, and objection sustained by the court.

*Ques.*—I will ask you if at that time you kept and believed in another day as a holy day, except Sunday, commonly called the first day of the week?

Objection of prosecuting attorney again sustained by the court.

*Ques.*—Did you at that time and were you observing your day as holy day, and doing so from a conscientious belief of your religion?

Objection of prosecuting attorney again sustained by the court.

*Ques.*—I will ask you, if at any time within the last three years have you performed any secular work on Saturday, commonly known as the seventh day of the week?

Objected to again by prosecuting attorney, as incompetent, irrelevant, and immaterial, constituting no defense. Objection sustained by court.

Mr. Woolman, the attorney for the defense, then asked that the jury be excused from the court room while he made a statement to the court. After the jury left the room, Mr. Woolman made the

following statement in behalf of the defendants before the court:—

The defendants now offer to prove by the witness on the stand that on the twentieth day of June, 1915, this witness, being one of the defendants, and also his father, G. J. Krieger, were at said time members of the sect, or church body, known as the Seventh-day Adventists, and that it was one of their religious beliefs, and is now, that it was their duty as such observers to keep another day of the week as a holy day other than Sunday, and that at said time, these defendants, and each of them, kept and observed as holy time the seventh day of the week, commonly known or called Saturday. That owing to the conscientious convictions of these defendants, and each of them, and under the belief and doctrine of the church to which they then belonged, they closed their place of business at the going down of the sun every Friday evening or night, and the same remained closed for all kind of business until the going down of the sun on Saturday night or evening.

That during said time these men worshipped as said Seventh-day Adventists, and conscientiously believed that this was their duty from a religious and moral standpoint.

That during their holy time they performed no work or labor, and devoted said time to the worship according to their religious belief.

That during said first day of the week, commonly called Sunday, they conducted their business and labor in such a manner as to not interrupt or disturb other persons in observing the first day of the week as holy time.

That these defendants, and each of them, in good faith observed the seventh day of the week as holy time, and observed no other day as such.

The prosecuting attorney replied:—

To which offer the State objects, for the reason that the testimony and evidence offered is wholly incompetent, irrelevant, and immaterial, and constitutes no defense.

Objection was sustained by the court.

The court sustained all these objections in the face of the exemption statute which grants the seventh-day observer the right "to show that the accused uniformly keeps another day as holy time, and does not labor on that day, and that the labor complained of was done in such manner as not to interrupt or disturb other persons in observing the first day of the week as holy time." The statute states that after this is shown, it shall be regarded by the State as a "sufficient



defense in proceedings" against the accused.

The prosecuting attorney stated to the court that the admission before the jury of the above-quoted testimony concerning the religious faith of the defendants would be prejudicial to the State. It seems from this that the State wanted to win its case by denying the defendants their legal right to prove their innocence under the law. When a religious statute runs counter to a man's religious faith, and he is put on trial for refusing to do homage to a religious institution, it seems that no one but a Russian autocrat or a Turkish despot would refuse to give the accused the privilege of presenting the reasons why his religious faith is jeopardized. It seems that religious liberty in Blaine County, Oklahoma, has taken its flight to another planet, when the court denies the right of the individual whose faith is on trial to appeal to the constitutional guaranty of the State as a means of defense. That constitutional guaranty reads:—

No inhabitant of the State shall ever be molested in person or property on account of his or her mode of religious worship.

The jury and the court convicted these men as criminals, and penalized their faith by fining each \$25 and the costs. The case has been appealed, and is pending future action.

Truly "judgment is turned away backward, and justice standeth afar off: for truth is fallen in the street, and equity cannot enter."

We trust the reader will not fail to study carefully the favorable opinions of other learned jurists upon this question, given elsewhere in this magazine. L.

\*\*\*

### The Best Sunday Observance Found Where There Is No Sunday Law

THE best and indeed the only acceptable religious observance is voluntary. The Lord accepts only heart service.

A Chicago merchant writes: "Christian homes in Chicago and in New Eng-

land differ little—a careful observance by parents and children of the proprieties of the day, and mingling together as a family in happy little teachings and enjoyments, which make the day both Christian and pleasant." A San Francisco pastor gives a like answer to the question, "Where have you seen the best Sabbath observance?" "Among the Christian people of California. The characteristics of their Sabbath observance are: Sweetness and light; reverence tempered with love; joyousness and rare fidelity in Christian service; teaching in the Sunday schools and mission schools; visiting the sick, the poor, and the prisoner; holding service in almshouses and hospitals; giving Christlike ministrations to those in trouble, want, and sorrow."—*"The Sabbath for Man,"* by W. F. Crafts, edition of 1885, page 95.

At the time the Chicago merchant wrote to Dr. Crafts concerning Christian homes of that city, there was there no pretense of enforcing the Sunday law; but that fact did not interfere in the least with the observance of the day by those who wished to keep it.

The same is true of California. That State has no Sunday law, and yet it is there that a San Francisco pastor finds the "best Sabbath observance." And why the best? Evidently because voluntary.

\*\*\*

### Dangerous Legislation Proposed

THE bill referred to in our "Open Letter to Congress," written before that body assembled, has been introduced; it reads as follows:—

#### SIXTY-FOURTH CONGRESS

First Session  
H. R. 491.

In the House of Representatives  
Dec. 6, 1915

Mr. Siegel introduced the following bill; which was referred to the Committee on the Post Office and Post Roads and ordered to be printed.

#### A BILL

To amend the postal laws.

Be it enacted by the Senate and House of

Representatives of the United States of America in Congress assembled. That whenever a complaint in writing shall be filed with the Postmaster-General that any publication making use of or being sent through the mails contains any article therein which tends to expose any race, creed, or religion to either hatred, contempt, ridicule, or obloquy, he shall forthwith cause an investigation to be made under his direction, and shall within twenty days after receipt of such complaint, if the facts contained therein are true, make an order forbidding the further use of the mails to any such publication; but nothing herein contained shall be deemed to prevent the Postmaster-General from restoring such use of the mails to any such publication whenever it shall be established to his satisfaction that the publication has ceased to print or publish such prohibited matter, and given him satisfactory assurances in writing that there will be no further repetition of the same.

This bill, which is said to have strong support, has all the bad features of both the Fitzgerald bill and the Gallivan bill introduced into the House late in the third session of the Sixty-third Congress. The power with which it is proposed to clothe the Postmaster-General is great and far-reaching, and would enable that official to do indirectly, upon the written complaint of a single person, who need not be even a citizen of the United States, what the Constitution declares that Congress itself shall not do; namely, abridge the freedom of the press.

It may be said that any paper or other periodical could still be printed, but of what avail is it to print if the matter printed cannot be circulated? As well say that freedom of speech is not abridged as long as one has the right to talk, even though the government may make it impossible for him to secure an audience.

It is a principle of law that neither an individual nor the government can do indirectly that which may not be done directly. It is perfectly clear that Congress cannot forbid the publication of such matter as is described in the Siegel bill; is it not equally clear that Congress cannot rightfully do the same thing indirectly, as the bill plainly seeks to do?

Even if the end sought were a legitimate one, it would be a monstrous prop-

osition to lodge in the hands of one man, a single individual, such vast power to censor and to muzzle the press of the country.

The Postmaster-General is an appointed official, not even directly responsible to the people; and yet it is proposed to make him a czar, with power to hear and to determine what does and what does not tend "to expose any race, creed, or religion to either hatred, contempt, ridicule, or obloquy." Have the Renaissance, the Reformation, the English Revolution, the American Revolution, and the French Revolution all been in vain, that it is now seriously proposed to muzzle the press in the interests of anything that cannot bear the searchlight of criticism?

We cannot believe that such a bill as H. R. 491 can ever become a law, or that it would be sustained by the courts even if passed by Congress and signed by the President; but it is unsafe to judge the future, or even the present, by the past. Things seem to be turning backward. Instead of going forward, the world is turning again toward the things of the Dark Ages, and the occasion demands the greatest possible vigilance.

Several Sunday bills have also been introduced, but it is unnecessary more than to mention the fact, since a large part of this number of LIBERTY is devoted to a discussion of the principles involved in Sunday legislation. The ground was fully covered by the famous Sunday mail reports written by Richard M. Johnson, of Kentucky, more than eighty-five years ago. The legislation now proposed is even less defensible than that proposed then; for that sought only to regulate a branch of the government itself, while the bills now before Congress seek to restrict the liberty of the individual. But the people cannot safely take anything for granted. The times are sadly out of joint, and watchfulness is demanded on the part of those who would cherish and preserve the liberties bequeathed to us by our fathers.

### The Platform of the Religious Liberty Association

In its issue for November, 1915, the *Christian Statesman* printed the platform of the Religious Liberty Association as it appears on the first inside cover page of *LIBERTY*, and then proceeded to discuss the several planks *seriatim*.

"With some of the ideas embodied in this declaration we are in hearty accord," says the *Statesman*. "For example, we believe that civil government is a divine institution. We are opposed to the union of church and state. We advocate the religious rights of men with respect to the matter of worship. We oppose all legislation that would tend to force upon any one a religious creed or form of worship.

All this sounds very well; and if we could accept it at its face value, we might believe the *Statesman* and those for whom it speaks to be the friends, and not the enemies, of religious liberty. But in the light of other utterances by National Reform leaders, we must conclude that the *Statesman* does not mean all that its words might at first be understood to imply.

Cardinal Gibbons and the Catholic hierarchy in the United States are also in favor of "religious liberty." There is no doubt about it, for they acknowledge as much themselves; but they do not mean by religious liberty what is generally *understood* from the use of that term. And no more do the National Reformers mean by religious liberty what we mean by it.

In a speech made by Jonathan Edwards, D. D., in a National Reform convention held in New York City, Feb. 26, 27, 1873, that gentleman said:—

We want state religion, and we are going to have it. It shall be that so far as the affairs of state require religion, it shall be religion—the religion of Jesus Christ. The Christian oath and Christian morality shall have in this land "an undeniable legal basis." We use the word *religion* in its proper sense, as meaning a man's personal relation of faith and obedience to God.—"*Proceedings of the*

*National Convention to Secure the Religious Amendment to the Constitution*" (1873), page 60.

In the Pittsburgh convention of 1874, Prof. C. A. Blanchard made the matter still plainer, if possible; in these words:

Constitutional laws punish for false money, weights, and measures, and of course Congress establishes a standard for money, weights, and measures. *So Congress must establish a standard of religion, or admit anything called religion.*—"*Proceedings of the Fifth National Reform Convention*," page 71.

Their design, then, has been and is still to have the state obtrude itself into every man's personal relation of faith and obedience to God. Such a theory carried out would of course make outlaws of those who could not subscribe to their dogmas. And this result, indeed, lay so near the surface that Mr. Edwards himself saw it, and spoke in relation to it as follows:—

Now, we are warned that to ingraft this doctrine upon the Constitution will be oppressive; that it will infringe the rights of conscience; and we are told that there are atheists, deists, Jews, and Seventh-day Baptists who would be sufferers under it.—"*Proceedings of the National Reform Convention*" (1873), page 60.

But how does Mr. Edwards justify himself and those with whom he is associated in doing that which he knows would be intolerant toward these parties he names? Let him answer the question, as he deals with that phase of the subject:—

What are the rights of the atheist? I would tolerate him as I would tolerate a poor lunatic; for in my view *his mind is scarcely sound*. So long as he does not rave, so long as he is not dangerous, I would tolerate him. I would tolerate him as I would a conspirator. *The atheist is a dangerous man.*—*Id.*, page 63.

Then the atheist will be put under surveillance to see that he does not rave, that is, propagate his views. When he does this, he becomes dangerous, and must be restrained by the arm of the law. In other words, the National Reformers want a law which will give them a monopoly in propagandism. But having learned what they propose to do with

incorrigibles, let us see what part of the various communities the charity of this doctor of divinity will permit him to class among hardened and obdurate criminals. Under the general head of atheists, he classes deists, Jews, and Seventh-day Baptists, in the following manner:—

These are, for the occasion, and so far as our amendment is concerned, one class. They use the same arguments and the same tactics against us. They must be counted together, which we very much regret, but which we cannot help. The first-named is the leader in the discontent and in the outcry—the atheist, to whom nothing is higher or more sacred than man, and nothing survives the tomb. It is his class. Its labors are almost wholly in his interest; its successes would be almost wholly his triumph. The rest are adjuncts to him in this contest. They must be named from him; they must be treated as, for this question, one party.—*Id.*, page 62.

And after getting all they ask,—the laws of this government to be administered upon “Christian principles,”—do they then propose to manifest the spirit of the Master, and tolerate dissenters? Hear Mr. Edwards further on this theme:—

*Tolerate atheism, sir? There is nothing out of hell that I would not tolerate as soon. The atheist may live, as I have said; but, God helping us, the taint of his destructive creed shall not defile any of the civil institutions of all this fair land. Let us repeat, Atheism and Christianity are contradictory terms. They are incompatible systems. They cannot dwell together on the same continent.—Id.*, page 63.

And what would they do with these poor despised irreclaimables? This may be determined by an extract of a speech delivered at York, Nebr., by Rev. E. B. Graham, a vice president of the National Reform Association, and published in the *Christian Statesman* of May 21, 1888:—

We might add, in all justice, if the opponents of the Bible do not like our government and its Christian features, let them go to some wild, desolate land, and in the name of the devil, and for the sake of the devil, subdue it, and set up a government of their own on infidel and atheistic ideas; and then, if they can stand it, stay there till they die.

It is probably true that the National Reformers do not desire a union of

church and state in the sense of selecting some one denomination and making that the established church, or of establishing entire the creed of some one sect. Most of the National Reformers belong to one of the smaller divisions of the Presbyterian Church, and probably have no hope that their sect will ever be recognized by law, or their church established to the exclusion of others that are much stronger numerically; what they hope for is the legal recognition of a few of the leading, fundamental doctrines of Christianity. This once an accomplished fact, dissenters from those doctrines or articles of faith would speedily find themselves under the law, whether Jews, infidels, atheists, Seventh-day Baptists, or Seventh-day Adventists.

Let no one be deceived by the honeyed words of the *Christian Statesman*. By “religious liberty,” “church and state,” etc., that paper does not mean what the fathers of the republic meant, nor does it mean freedom to hold and to practice anything contrary to the creed of the National Reformers. The *Christian Statesman* would turn the wheels of progress backward to days when in England Roman Catholics burned Episcopalians, and Episcopalians did the same to Roman Catholics, and Presbyterians in Scotland tied Baptists to stakes at low tide, allowing them to drown in the rising waters.

The National Reformers are not unkind men at heart, they do not mean to be cruel, they are not bloodthirsty; but if once they had the power, their theory of civil government, and their responsibility to the divine Being as they understand it, would force them to measures which they themselves now think impossible. The men who whipped and banished Baptists from Massachusetts, and who hanged Quakers and witches, were just as benevolent and as well educated as are the leading National Reformers of today. The trouble with those men was their false theocratic theory of civil government. And that same theory, which is the theory of the National Reformers today, is fraught with no less



power for evil now than in the past. A legally established creed is a most mischievous thing, and not less so now than two centuries ago.

A creed need not have many articles to be a creed. That of the Mohammedans contains only two articles: "There is one God, and Mohammed is his prophet." The creed of the National Reformers need not be any longer to produce equally cruel results. Nor is it essential to a union of church and state that all who subscribe to the state-established creed shall train under one and the same ecclesiastical banner. The evil thing may be called "religion and the state," or "a Christian state," or by any other name meaning substantially the same thing, but its nature remains the same. It is not the name but the thing itself that is evil. A thistle would not become a rose even if it were solemnly declared to be one. Disease does not become health simply by denying its existence. No more does "religion and the state" become a beneficent or even an innocuous thing merely because a few benevolently inclined gentlemen declare it to be harmless, or even useful. Eternal vigilance has not ceased to be the price of liberty.

C. P. B.

\*\*\*

### Abraham Lincoln on Liberty

ABRAHAM LINCOLN'S portrait adorns the back cover page of this magazine. Washington and Lincoln are the two greatest men which the American Republic has yet produced. Their birth-days have made the twenty-second and the twelfth of February days of grateful remembrance. Washington founded a government of the people, for the people, and by the people, and Lincoln preserved it. We are glad to hear Lincoln speak in behalf of the cause of human rights and liberty. He that is dead still speaketh:—

Though I now sink out of view, I believe I have made some mark which will tell for the cause of liberty long after I am gone.

The authors of the Declaration of Independence meant it to be a stumblingblock to

those who in after times might seek to turn a free people back into the paths of despotism.

All the political sentiments I entertain I have drawn from the sentiments which originated in and were given to the world from this hall [Independence Hall]. I have never had a feeling politically that did not spring from the sentiments embodied in the Declaration of Independence. The great principle of the Declaration was that sentiment which gave liberty not alone to the people of this country, but, I hope, to all the world for all future time. It was that which gave promise that in due time the weights would be lifted from the shoulders of all men, and that all should have an equal chance.

The cause of civil liberty must not be surrendered at the end of one or even one hundred defeats.

In giving freedom to the slave we assure freedom to the free—honorable alike in what we give and what we preserve.

When the conduct of men is designed to be influenced, persuasion, kind, unassuming persuasion, should ever be adopted. It is not much in the nature of man to be driven to anything; still less to be driven about that which is exclusively his own business.

If there is anything that it is the duty of the whole people never to intrust to any hands but their own, that thing is the preservation and perpetuity of their own liberties and institutions.

I fear you do not fully comprehend the danger of abridging the liberties of the people. A government had better go to the very extreme of toleration than to do aught that could be construed into an interference with, or to jeopardize in any degree, the common rights of the citizen.

When a . . . man governs himself, that is self-government. But when he governs himself and also governs some other man, that is worse than self-government—that is despotism. What I do mean to say is that no man is good enough to govern another man without that other's consent.

In my present position I could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism.

These words from the lips of Lincoln are just as applicable today as they were when he first uttered them. A warning voice needs to be raised against those who are desirous of ruling the consciences of other people on religious matters. Such are religious tyrants in heart, and would be in fact if they had the power. May God raise up another Lincoln to stay the oppressor's hand.

C. S. L.



## George Washington on Religious Liberty

WE are not only happy that Washington's works still abide, but that his wonderful words are still with us,—those words which aided the cause of freedom so effectively at the time the First Amendment was pending. We let him speak again on this subject:—

If I could have entertained the slightest apprehension that the Constitution framed by the convention where I had the honor to preside, might possibly endanger the religious rights of any ecclesiastical society, certainly I would never have placed my signature to it; and if I could now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against the horrors of spiritual tyranny and every species of religious persecution.

Of all the animosities which have existed among mankind, those which are caused by a difference of sentiments in religion appear to be the most inveterate and distressing, and ought most to be deprecated. I was in hopes that the enlightened and liberal policy, which has marked the present age, would at least have reconciled Christians of every denomination so far that we should never again see their religious disputes carried to such a pitch as to endanger the peace of society.

The government of the United States of America is not, in any sense, founded on the Christian religion.

Every man who conducts himself as a good citizen, is accountable alone to God for his religious faith, and should be protected in worshipping God according to the dictates of his own conscience.

All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of as if it was by the indulgence of one class of people that another enjoyed the exercise of their inherent natural right.

For happily the government of the United States, which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection shall demean themselves as good citizens.

These words from America's first and foremost statesman at the time of the construction of our Constitutional system, ought to be repeated again and again, lest we forget the hand that redeemed us from political and ecclesiastical

tyranny. With Washington, justice meant justice to all alike. Before the law of justice, he knew neither great nor small, many nor few; he wanted the law applied equally to all. George Washington uttered most of the statements given above, because of the prevalent idea that as the Jew and the seventh-day Christian were few in number, their rights of conscience were not to be respected. He wanted justice done to all, weak or strong.

C. S. L.

\*\*\*

## Two Concrete Examples

OKLAHOMA and Arkansas each, during the last autumn, have furnished a concrete example of the injustice of Sunday laws and of the sentiment that is back of such laws, and of the utter futility and insufficiency of exemption clauses.

With the Oklahoma case our readers are already familiar. In that case conscientious Christian men, observers of the seventh day, have been prosecuted in that State for selling goods in a store on Sunday.

In the cases in which fines were imposed the court ruled out all evidence offered by the defense to show that they regularly observed another day and did no business or work of any kind on that day. This evidence was offered for the purpose of showing that they came within the exemption provided by the statute for persons who conscientiously observe as the Sabbath a day other than Sunday; but in this instance the court excluded all such evidence, thus practically setting aside the exemption clause of the State of Oklahoma.

The following letter touching a recent case in Arkansas will be read with interest:—

BRIGHTON, ARK.,  
Oct. 31, 1915.

Editor Liberty Magazine.

DEAR SIR: This morning I and my son, a boy ten years old, went to pick peas. We were back in a cornfield, at least a fourth of a mile from the road, picking peas, and not saying a word to any one. The constable hunted us up and arrested me, and took me

to the justice of the peace. They gave me a good lecture, and then turned me free, as the law of this State gives me the right to work on Sunday; but the constable told me that if he ever saw me at work on Sunday again, as soon as he saw me it would disturb him, and he would arrest me. So you plainly see the spirit actuating him.

There are two stores here that keep open almost every Sunday and sell anything they keep in stock, yet disturb no one; but lo and behold, as soon as a Sabbath keeper picks a few peas, even away from the road and out of sight of the general public, the constable is so disturbed that he hunts him up and arrests him.

The justice of the peace said, "If a man actually religiously observes another day as the Sabbath than Sunday the law gives him the right to work on Sunday."

But how can he tell whether a man "religiously" observes a day or not? This will call into existence that famous institution of the Middle Ages, the Inquisition, with all that it means.

The justice seemed to doubt my candor in claiming to keep the Sabbath, as there is no other Seventh-day Adventist closer than fifty or sixty miles. I began to see myself marched off to jail, in my own imagination; but he finally gave me a lecture, telling me what a bad example I was setting before the rising generation, and that I would better not work on Sunday any more. I told him, as one of old, "Whether it be right in the sight of God to hearken unto you more than unto God, judge ye."

Yours for victory,

M. M. JACKSON.

Here an isolated Sabbath keeper is harassed and threatened because he exercised his constitutional and statutory right to work on the first day of the week after having rested on the seventh day. Of course, the latter fact makes no real difference so far as the principle of such legislation is concerned, for every man has the natural right to work when he will, but it shows most unmistakably the religious character of such legislation. Section 2033 of Mansfield's Digest of the Statutes of Arkansas provides that,—

No person who from religious beliefs keeps any other day than the first day of the week as the Sabbath shall be required to observe the first day of the week, usually called the Christian sabbath, and shall not be liable to the penalties enacted against Sabbath breaking; Provided, no store or saloon shall be kept open or business carried on there on the

Christian sabbath; and provided further, no person so observing any other day shall disturb any religious congregation by his avocations or employments.

This shows plainly enough that the intent of the law is to secure the religious observance of a day, preferably the first day, but, if not that, then the seventh day must be observed "from religious beliefs," that is, we take it, from religious motives, or conscientiously.

The "civil sabbath" so called is a fraud, it is nothing more nor less than a religious institution enforced by civil statute; the Fourth of July, Labor Day, Decoration Day, etc., are civil institutions not only because they are authorized by civil statute, but because they have reference to civil things. Thanksgiving and Christmas may also be included among our civil institutions; for while these days are more or less religious in origin and character, the State makes no effort to enforce them on anybody, but simply makes them holidays, leaving every one free to observe them if he will, or utterly to ignore them if he so elects.

Touching these semireligious days the States merely recognize the fact that a large number of people desire to be free on these days from the ordinary demands of business, therefore they are merely made *dies non*, or days upon which public business cannot be legally transacted. Notes or other commercial paper maturing on such days are due and payable without penalty or protest on the following day, but nobody in private business is required to observe a civil holiday. No man is required to close his store or shop, nobody is liable to any penalty for doing ordinary labor on such a day. In such cases, the law seeks to protect and gratify the people, not to safeguard and honor a day, nor to require that homage be paid to the Divine Being.

But it is different with Sunday, the motive underlying all Sunday legislation is religious, not civil. Primarily it is the day that is to be honored, and not the people to be protected. This is shown by

the whole history of Sunday legislation, and is borne out by the very language of such statutes themselves, as well as by scores of court decisions. It is only by a legal fiction that Sunday is said to be a civil institution, and it is by this same legal fiction that liberty is being subverted in our land.

\*\*\*

### Is Sunday a Civil Institution?

It is most strenuously insisted by some that Sunday, while religious in its origin, is now "a civil institution," and that it is properly enforced by civil pains and penalties. But how can that be when the whole history of the Sunday institution and of Sunday legislation shows that it is and always has been essentially religious?

Sunday as a pagan day was religious, a religious festival, a festival in honor of the sun, which was worshiped as a god. Nor was this feature changed when the day was adopted by the early Christians; it was still a religious festival. The friends of Sunday legislation have always claimed that the design of Constantine's Sunday edict, A. D. 321, was to honor Sunday, not as a secular day, nor even as a pagan day, but as a Christian institution.

All the older Sunday laws in the United States were closely patterned after the law of Charles II, which was distinctly religious, a fact that will not be denied by any one who is at all familiar with the character of English Sunday legislation at that time.

The early colonial Sunday legislation in this country was too distinctly religious to admit of any question whatever. In Plymouth Colony, June 10, 1650, the following was enacted by the general court:—

*Be it enacted, That whosoever shall profane the Lord's Day by doing any servile work, or any such like abuses, shall forfeit for every such default ten shillings, or be whipped.—"Plymouth Colony Records," Vol. XI, page 57.*

At the same time it was enacted "that if any [one] in any lazy, slothful, or

profane way neglect to come to the worshipping of God, [he] shall suffer for any such default ten shillings, or be publicly whipped."—*Id.*, page 58.

Again, in 1658 this action was taken by the general court:—

*Whereas, Complaint is made of great abuses in sundry places of this government of profaning the Lord's Day by travelers, both horse and foot, by bearing of burdens, carrying packs, etc., upon the Lord's Day, to the great offense of the godly, well-affected amongst us.—Id.*, page 100.

This language is too clearly religious and ecclesiastical to admit of any question as to its object. It was not to secure a day of rest to those who were in need of it, but the avowed purpose and object of the legislation was to protect the day from profanation.

Coming down a little closer to our own time, we find in A. D. 1700 a general law enacted in Pennsylvania, under Lieut. Gov. John Addams, which prohibited "servile work" on Sunday. Those who are familiar with the Old Testament Scripture will recognize at once the term "servile" as being used in King James's translation of the Scriptures, to describe work prohibited upon the ancient Sabbath and other religious festivals of the Mosaic dispensation.

In 1794 the Pennsylvania law of 1700 was repealed, and another law enacted, differing from it in only a few minor particulars. As in the older law, the religious phraseology appears, and it is plain enough that the object of the law is not to protect the individual, but the day. This is still true in that State. While in many of the States observers of the seventh day are exempted from any penalty for doing ordinary private work on Sunday, no such exemption appears in the Pennsylvania law. If the object of the law were to protect the individual, to secure to each individual one day's rest in seven, the wording of the law would certainly be very different from what it is. But the object is clearly to secure not a day of rest to the individual, but the observance of Sunday and of no other day.

The Alabama Sunday law makes all contracts entered into on Sunday void, "except such as are made for the advancement of religion or in the interests of works of necessity or mercy." If the purpose of the law were to secure a day of rest to the people of Alabama, why this exception in favor of contracts for the advancement of religion? Wherever this exception appears, it is evidence that the nature of the law has not changed.

In a number of States the terms "Sabbath" and "Lord's Day" are used in Sunday statutes. For instance, in Kentucky it is provided that "prosecutions for . . . Sabbath breaking . . . shall be commenced within six months after the offense is committed." And again, "No work or business shall be done on the Sabbath day, . . . and if any person on the Sabbath day shall be found at his own or any other trade or calling," etc. And finally, "Persons who are members of religious societies, who observe as a sabbath any other day in the week than Sunday, shall not be liable to the penalty described in this section, if they observe as a sabbath day one day in each seven as herein prescribed."

The term "Sabbath day" is used in several other instances in the Kentucky law, showing clearly that the law is not a civil but a religious statute; that its design is not to secure simply a day of rest to the people, but the observance of one day in each seven as a sabbath; because to avail himself of the benefits of the exemption, one must be able to show the court that he has observed another day in the week than Sunday *as a sabbath*. It is not sufficient to show that he has rested upon another day, or that he habitually rests upon another day; but he must observe it "as a sabbath." This shows beyond the peradventure of a doubt that the object of the law is not to secure simply rest, but Sabbath observance.

In the State of Maine the statute provides that "whoever on the Lord's Day keeps open his shop, workhouse, warehouse, or place of business, travels or

does any work, labor, or business on that day, except works of necessity or charity; uses any sport, game, or recreation; or is present at any dancing or public diversion, show or entertainment, or encouraging the same, shall be punished by a fine not exceeding ten dollars."

Such references might be extended indefinitely, all showing clearly that the purpose of Sunday legislation is not primarily to secure a day of rest to tired toilers, but to secure the observance of a day which has been set apart for religious purposes.

If the friends of Sunday legislation are desirous solely, or even chiefly, of securing for the people a day of rest, why do they persist in the use of the terms "Sabbath," "Lord's Day," etc.? and why do they insist that the rest must be on Sunday? Why not specify, for instance, that each employer shall arrange to give his employees one twenty-four-hour rest period each week, leaving it to the employer and the employee to determine what day it shall be? And why do the advocates of Sunday legislation in all the States not having exemption clauses, oppose the granting of exemption clauses in favor of those who observe the seventh day?

The fact is that Sunday is and always has been a religious institution. It is "civil" only in the sense that it is enforced by civil statute. It is no more civil than any other religious institution would be if enforced by civil law. Take, for instance, a parochial or church school, and let it be supported by public taxation. Would that make it a civil institution? Would it divest the school of its religious or denominational character, simply because it had the support of the civil law? Every one knows it would not; and yet in a sense it would become a civil institution; that is, an institution of the state. The same is true of a legal church establishment. For instance, the Church of England is primarily a religious institution, but it is likewise a civil institution, because it is supported by the state. The king is the legal head of the



Church of England. The bishops are appointed by him, and are members of the House of Lords; but does that make the Church of England any less a religious institution? Does it follow that there is no union of church and state in England because the church has been made by civil law a civil institution? Certainly not; and no more is Sunday made a civil institution in any proper sense by being recognized and enforced as a sabbath by civil enactment. And all thinking men know it.

C. P. B.

\*\*\*

### Sunday Observance Not Dependent Upon Civil Law

THE following is from page 95 of "The Sabbath for Man," by Rev. Wilbur F. Crafts, edition of 1885:—

A Chicago merchant writes: "Christian homes in Chicago and in New England differ little—a careful observance by parents and children of the proprieties of the day [Sunday], and a mingling together as a family in happy little teachings and enjoyments, which make the day both Christian and pleasant." A San Francisco pastor gives a like answer to the question, "Where have you seen the best Sabbath observance?" "Among the Christian people of California. The characteristics of their Sabbath observance are, sweetness and light; reverence tempered with love; joyousness and rare fidelity in Christian service; teaching in the Sunday schools and mission schools; visiting the sick, the poor, and the prisoner; holding service in almshouses and hospitals; giving Christlike ministrations to those in trouble, want, and sorrow."

Our object in quoting this from Mr. Crafts' book is to show that the Sabbath and Sabbath keeping are not in any degree dependent upon civil laws, and this is true without any reference to the day of the week observed. Thousands of seventh-day observers keep the Bible Sabbath every week, while the world is busy all around them. They are not disturbed, for such disturbance is merely a state of the mind; it is a feeling of annoyance because others do not regard the things that we regard. The Seventh-day Baptist or Seventh-day Adventist is not disturbed in the least by the labor and business going on around him, be-

cause he expects nothing else. But the Sunday keeper is disturbed by the mere knowledge that work is going on or that business is being transacted, and his feelings are very much outraged, simply because he feels that such things ought not to be permitted on that day.

The quotation from Mr. Crafts' book shows, however, that even Sunday keepers may very easily become immune to this imaginary disturbance. At the time the letters quoted by Mr. Crafts were written, and until quite recently, Chicago was what is known as a "wide-open town;" that is, there was then no pretense of enforcing the Sunday law, though there was one upon the statute books of the State; yet those who wanted to observe Sunday had no difficulty in doing so. The same is true of California. For many years it has been without a Sunday law, and yet instead of referring to New England or Pennsylvania for the best example of Sunday keeping, a San Francisco pastor claims that distinction for his own State and his own city, and gives particulars to support his claim.

The fact is that the Sabbath—whether by that term one understands the first day or the seventh—is a religious institution, and as such must be observed voluntarily or not at all. Of what value is mere idleness? Nothing is more vicious; but heartfelt spiritual service, voluntarily rendered, is uplifting. That is the reason why the voluntary observers of Sunday in Chicago and San Francisco are upon a higher spiritual plane than are their brethren in other cities where Sunday laws are more rigidly enforced.

There is nothing more utterly pernicious than idleness, but idleness is all a statute-enforced sabbath has to offer. Worship cannot be compelled, and when business, labor, games, and excursions are forbidden, only vice-breeding idleness is left for those who know not true worship. In our next number we will print an article citing facts to prove our statement.



# Eight Commandments of the Mohammedans

Written in Turkish

English Translation



1. They are surely infidels, who say, Verily God is Christ, the son of Mary.—Koran, chap. 5.

2. O true believers, take not the Jews or Christians for your friends; they are friends the one to the other; but whoso among you taketh them for his friends, he is surely one of them.—Id.

3. War is enjoined you against the infidels; but this is hateful unto you; yet perchance ye hate a thing which is better for you, and perchance you love a thing which is worse for you; but God knoweth, and ye know not.—Id., chap. 2.

4. Fight therefore against them, until there be no temptation to idolatry, and the religion be God's.—Id.

5. Fight against the friends of Satan, for the stratagem of Satan is weak.—Id., chap. 4.

6. And when the months wherein ye are not allowed to attack them shall be past, kill the idolaters whosoever ye shall find them, and take them prisoners, and besiege them, and lay wait for them in every convenient place.—Id., chap. 9.

7. When ye encounter the unbelievers, strike off their heads, until ye have made a great slaughter among them.—Id., chap. 47.

8. Ye are also forbidden to take to wife free women who are married, except those women whom your right hand shall possess as slaves. This is ordained you from God.—Id., chap. 4.

And still there are some people in America who are clamoring for the establishment of a national religion. In the October issue of the *Christian Statesman* we read: "The most important matter of all is the matter of national religion."—Page 405. And again, "The principles of national religion furnish the only true solution of each of these problems."—Page 409.

The *Statesman* did not attempt to harmonize its statement or its policy with the facts as they appear in the present war situation. If the establishment of national religion in this country would prevent future trouble and war, why did not the establishments of national religions prevent England, Belgium, Germany, Austria, Serbia, Italy, Bulgaria, Russia, and Turkey from going to war? All the countries mentioned have a legally established national religion, and, with the single exception of Turkey, it is the Christian religion. The worst atrocities that ever have been perpetrated upon mankind have been committed in the name of national religion. The history of the past has demonstrated the in-

disputable fact that it makes no difference which religion is established as the national religion, whether it be Protestant, Catholic, Mohammedan, or heathen; each, when it has sat on the throne of civil power, has persecuted the dissenter and nonconformist unto death, and has aimed to give him no rest in heaven, earth, or hell.

C. S. L.

\*\*\*

## Are Sunday Laws Religious?

THIS question was raised some years ago before a committee of Congress in this city, and Rev. W. F. Crafts, then as now a prominent Sunday law advocate, said:—

A weekly day of rest has never been permanently secured in any land except on the basis of religious obligation. Take the religion out and you take the rest out.—*Senate Miscellaneous Documents, No. 43, page 21 (Fiftieth Congress, Second Session, Dec. 13, 1888).*

Then Mr. Crafts and others who are asking for a Sunday law for the District of Columbia are either asking for a vain thing or are demanding the legal establishment of a religious rest, a religious observance of a religious day.

### Unjust Accusation

IN the so-called Lord's Day Congress, at Oakland, Cal., July 27 to Aug. 1, 1915, Rev. G. L. Tufts, superintendent of the Weekly Rest Day League of the Pacific Coast, is reported to have said some very unjust things about Seventh-day Adventists. One such statement was as follows:—

The leaders of the Adventists declare that it is better to work men seven days a week than to provide by law for them to rest one day in seven. Their leaders are opposed to closing the saloons upon Sunday, but advocate keeping men at work so that they cannot go to the saloon on that day. An Adventist elder said in the pulpit, "I would fill the people with liquor on Saturday night so that they could not go to church on Sunday."

Mr. Tufts is very zealous to enforce his version of the fourth commandment, but seems utterly oblivious to the ninth, which says, "Thou shalt not bear false witness against thy neighbor."

We challenge Mr. Tufts or any one else to prove that any Seventh-day Adventist elder made any such statement as that quoted above; namely, "I would fill the people with liquor on Saturday night," etc. Let him offer evidence in support of his statement, evidence such as a court would admit in the trial of a case, and we will print it in *LIBERTY*, with any additional statement of reasonable length that Mr. Tufts may wish to make. But he cannot do it, for the charge is untrue. That such a statement was ever made from an Adventist pulpit is simply unthinkable by anybody who knows Seventh-day Adventists and their views on such questions.

There is little more truth in the statement that "the leaders of the Adventists declare that it is better to work men seven days a week than to provide by law for them to rest one day in seven." Mr. Tufts well knows that neither he nor any other clerical Sunday law advocate would be satisfied with a law providing for one day's rest in seven. Mr. Tufts and his fellows demand that that rest shall fall upon Sunday; and not only so, but that it shall be compulsory.

They would stop every wheel, close every store and shop, silence every newsboy, stop every press, tie up every street car, discontinue every train, bank the fires on every steamboat, and leave only the churches free to do business on Sunday, if they had the power. They would even search out and arrest the conscientious observer of the Bible Sabbath, who, after remembering "the Sabbath day, to keep it holy," goes about his ordinary private work on Sunday. This has been done and is still being done in the interests of the Sunday sabbath; but Mr. Tufts and others like him are surprised that Seventh-day Adventists do not like it, and are not willing to bid the Sunday law crusaders Godspeed! Strange indeed that Seventh-day Adventists should oppose a movement that means to them a choice between fines and imprisonment on the one hand, or abject spiritual subserviency on the other!

Seventh-day Adventists are in favor of every movement and of every measure that makes for better conditions for the people without destroying liberty. They are in favor of an eight-hour day, and if anybody wants it, of a six-day week, if it be upon exactly the same basis as the eight-hour day. But when it is sought to establish such a week upon a basis that makes only for the exaltation of Sunday, and that makes it a crime to labor on that day, Seventh-day Adventists object, just as Mr. Tufts would object if the tables were turned and he and others of like faith were compelled to rest upon the seventh day; or if they were required under penalty of fines and imprisonment to conform to any other religious custom, masquerading as a civil institution. For instance, how would Mr. Tufts like to have all the annual fasts and feasts of the Roman Catholic Church made obligatory upon the people generally, under penalty of fine or imprisonment, or of both at the discretion of the court, so that he would be subject to arrest and punishment for eating meat on Friday, or for other similar failure or refusal to con-

form to the beliefs and customs of the Catholic Church? Possibly in his zeal for Sunday, Mr. Tufts has forgotten not only the ninth commandment, but also the golden rule. If he had known and remembered the scripture, "I will have mercy, and not sacrifice," he "would not have condemned the guiltless."

C. P. B.

\*\*\*

### II?

If, as the *Christian Statesman* insists ought to be the case, Jesus Christ were legally acknowledged as the ruler of nations in general, and of this nation in particular; and —

If, as the *Statesman* likewise insists, his law were legally acknowledged as the true basis of all civil legislation, —

Who would represent Christ in his capacity as Ruler of the nation? and —

Who would authoritatively interpret and enforce the divine law?

The Pope claims to represent Christ, to rule in his stead; is the *Christian Statesman* prepared to grant the validity of his claim and bow to his authority? Is the *Statesman* prepared to accept the Pope's interpretation of the divine law?

If not, why not?

Is there any general principle that governs in such cases? or does the *Statesman* defend that medieval dogma of intolerance, "It is wicked for error to persecute truth; but it is the duty of truth to persecute error"?

The trouble with the National Reform theory is that it involves either the legal establishment of the Papacy or of a papacy. Its practical application to any government would result of necessity either in setting up a new papacy or in the recognition of the claims of the Papacy of the Pope and the cardinals.

Any government recognizing the law of God as of supreme authority in legislation must of necessity interpret the divine law. Any civil government recognizing the Bible as the source of final appeal upon all moral questions, must erect a tribunal, or accept one already erected

and give it authority to decide what the Bible means.

Is the *Christian Statesman* prepared to accept any and all such decisions that may be made, whether in harmony with its views or not?

If not, why not?

The National Reform theory of government has been tried out, not only in Europe, but in this country, especially in colonial days, and always and in every place with most disastrous results. The Bible was the supreme law in colonial Massachusetts; therefore in many cases the real judges were of necessity the pastors of the established church; and for the most part they were exceedingly merciless, first toward Baptists and Quakers, and later against those accused of witchcraft. Men are no better now than they were then. Indeed, no man is better than his theory of government, and his understanding of divine obligation. No man ought to be made the custodian of another man's conscience, even though the would-be custodian be one of the best of men.

\*\*\*

### Shall Religion Be Taught in the Public Schools?

THE claim is put forth by some that religion ought to be taught in our public schools because the effect of religious training develops a higher moral character than a purely secular education can produce.

We are perfectly willing to grant all that is claimed concerning the benefits that the individual derives from spiritual and religious instruction. But that is not the point at issue. The question is whether the public school is the proper place to impart this kind of instruction. And if so, are public servants, of whom no religious test is required, the proper persons to impart such instruction? Again, is it just to tax all the people to support the teaching of principles and doctrines held by only a part of the people?

The advocates of religious instruction say that the public school should be required to teach about "heaven" and "God," and "about the world beyond the grave." We shall have to differ. If it is proper to teach religion in a secular institution in one form and on one point, why not in all forms and on all points? If it is proper to teach about heaven, why not about hell? If it is proper to teach about God, why not about Satan? But what two sects hold like views upon all these points? Who would settle the controversies that would arise? The state, if it required the teaching of religion in the public schools, would be compelled to stand by what it had undertaken, and would have to settle all points of disagreement. In order to do this, it would have to adopt a state ritual, and set it up as a standard. But the state could not do this without assuming the place of God, who alone is the judge of the conscience. The conscience is God's province, which no man, nor any institution created by man, has a right to invade. Such a state of affairs in the past led to the establishment of a legal religion and an inquisitorial tribunal from which there was no appeal. It led the dissenter to the gibbet and the stake.

If, in a state institution supported by all the citizens of the state, it is proper to teach religion because of the spiritual benefits derived therefrom, then it is proper to follow this spiritual benefit to its ultimate conclusions, and compel all the children that have not been baptized to be sprinkled or immersed according as the state should determine which is the proper mode; for if the state can assume the right to force parents against their protests to have their children listen to religious instruction, then why cannot it override every protest of the parents, provided the state thinks it is for the good of their children? Likewise, the children should be compelled to take the Lord's Supper in the manner the state decides. If the state can override one protest, it can do so with all objections.

If our friends say these things could

not be enforced because of sectarian differences, then we reply that the state cannot enforce the inculcation of any distinct religious belief because of sectarian differences. There is no agreement upon even the essentials of religion when one has to deal with all classes as he is compelled to do in matters of state.

We believe that religious instruction ought to be given to all children. But where rests this responsibility? First, with the parents themselves; and second, with the church and its auxiliaries. Not a few denominations have already settled this question concerning their children. They have established church and parochial schools, advanced schools, seminaries, and universities, and are supporting them without state aid. Why should those denominations which neglect their youth ask the state to give the religious instruction which the church is too indolent or careless to impart?

With Ulysses S. Grant, we say: "Leave the matter of religion to the family altar, the church, and the private school supported entirely by private contribution. Keep the church and the state forever separate."

C. S. L.

\*\*\*

### Where to Draw the Line on Police Regulations

THE Alexandria (S. Dak.) *Herald* of Sept. 24, 1915, had the following brief editorial concerning certain proposed measures against Sunday amusements:—

If the Western Wisconsin Methodist Conference could have its way, there would be no automobile riding on Sunday; there would be no Sunday papers; and even though the Sunday newspapers continue publication, the conference resolution declared against reading them and advertising in them. The conference also declared against all kinds of Sunday amusements and Sunday labor. It is a well-established fact, and proven by actual experience, that some things which are absolutely wrong from the standpoint of some persons, are all right and proper from another person's viewpoint. It seems to be up to each individual to decide for himself what is right and what is wrong; and no matter how strongly any organization resolves against some forms

of Sunday amusement there will be church members and nonchurch members who will persist in participating in those amusements which their consciences declare to be harmless. No one person or organization can draw the line on Sunday observance at any point that will be entirely satisfactory to everybody; for each person's conscience must dictate the right and wrong of his own actions.

The editor of the *Herald* is, we believe, a Presbyterian, and consequently a believer in Sunday sacredness; but he is evidently not one of the rapidly increasing number who would enforce their individual views and practices upon others.

Sunday is a religious institution, and its observance or nonobservance is, as this South Dakota editor has intimated, altogether a matter of conscience. Therefore to undertake its enforcement by law

is to undertake to regulate conscience by law.

It is true that by a legal fiction Sunday has been declared a "civil" institution, and the laws requiring its observance by abstinence from labor, "merely police regulations;" but exactly the same might be said of any other religious institution the observance of which might be enforced by civil law.

Any law designed to protect the day rather than the individual is a religious law, no matter how it is phrased, or what the courts say of it. Mr. Crafts, the great champion of Sunday legislation, has repeatedly admitted that what they want is not a civil but a religious Sunday, but this can never be secured in any true sense by civil enactments.

\* \* \*

## Temperance

### Delay Means Destruction and Death

A. C. BANE

WHEN a house is on fire, immediate and rapid effort is demanded and made, for delay means destruction and death.

When a boat is sinking in the sea, immediate and rapid effort is demanded and made, for delay means destruction and death.

When any danger is threatening life, there is no time to loiter; it is criminal to be careless and indifferent.

The legalized traffic in alcoholic liquors is rapidly destroying health and life, efficiency and wealth, and home and state, but thousands of us are criminally indifferent to its ravages.

There is not a day that alcohol does not murder hundreds of our fellow citizens.

There is not a day that alcohol does not rob thousands of our citizens of their substance and turn them out paupers.

There is not a day that alcohol does not ravish our women, destroying their virtue, their happiness, and their hope.

There is not a day that alcohol does not deprive little children of a normal birth, of a comfortable home, of necessary clothing and food, and mark their innocent lives with want.

Yet many of our citizens go on voting to license this King of Slaughter, to increase the number of his victims.

Many of our citizens move with a dilatory step that seems to imply no hurry needed, that if we stop this legalized slaughter within the next generation we shall do well.

Others, and their name is legion, seem not to realize that alcohol is destroying the race, or are utterly indifferent and do not seem to care how many are wounded and killed by alcohol, so long as they escape.

Americans, awake! arouse you! and hasten, oh hasten to save your fellow men from this modern Moloch that is destroying them. An hour's delay means death.

This enemy is marching toward your home, with his weapons and cohorts of destruction; hasten, enlist, arm yourselves, organize, mobilize; and with love



for God, for humanity, and for country, fight, and fight today, to drive this enemy from our land.

Destroy the liquor traffic now, and save little children from a degenerate birth.

Destroy the liquor traffic now, and preserve the health of thousands of men whom alcohol is degrading.

Destroy the liquor traffic now, and save a hundred thousand of our citizens annually from an untimely death.

Destroy the liquor traffic now, and stay its red hand of murder.

Destroy the liquor traffic now, and paralyze its black hand of rapine.

Destroy the liquor traffic now, and rescue thousands of little children from be-

ing crushed beneath its black-horsed chariot of slaughter.

Destroy the liquor traffic now, and preserve in purity and honor the moral character of multitudes for whom the Saviour died.

The home, the state, the individual, business, the industrial world, the social world, the medical world, and the general welfare demand the immediate destruction of the liquor traffic.

Heal the hurt of John Barleycorn's living victims, then refuse to drink his poison, decline to visit his haunts of vice, and by your vote outlaw him from your State and nation.

Do it now, delay is dangerous.— *The American Issue, Oct. 23, 1915.*



HARD WORK KEEPING AFLOAT

## Prohibitory Amendment Proposed

NOTWITHSTANDING other questions of absorbing interest demanding the attention of the Sixty-fourth Congress, the question of national prohibition will claim and receive due consideration. The first steps have been taken to that end, as is witnessed by the following:—

### SIXTY-FOURTH CONGRESS

First Session

S. J. RES. 30.

### IN THE SENATE OF THE UNITED STATES

Dec. 7, 1915

Mr. Sheppard submitted the following resolution, which was read twice and referred to the Committee on the Judiciary.

### JOINT RESOLUTION

For submission of a Constitutional amendment for prohibition to the consideration of the States

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each house concurring therein), That the



SENATOR SHEPPARD OF TEXAS, AUTHOR OF  
THE PROPOSED AMENDMENT

following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:—

### "ARTICLE —

"Section 1.—That the sale, manufacture for sale, transportation for sale, importation for sale, of intoxicating liquors for beverage purposes in the United States and all territory subject to the jurisdiction thereof, and exportation for sale thereof, are forever prohibited.

"Sec. 2.—That the Congress or the States shall have power independently or concurrently to enforce this article by all needful legislation."

It will be recalled that a joint resolution to the same intent, introduced into the Sixty-third Congress by Captain Hobson, while coming short of the necessary two thirds, received a majority in each house. Friends of the Sheppard amendment feel confident that it will not only receive the necessary two-thirds vote of both branches of Congress, but that it will be ratified by three fourths of the States, and so become a part of the federal Constitution. It seems almost certain that, once submitted to the several States, its adoption will be merely a question of time; and it is confidently believed that the time will not be long.

\*\*\*

## Where Demon Rum Is Intrenched

THE trustees of Sailors' Snug Harbor, the valuable ten New York City blocks extending from Eighth to Eleventh Streets, and from Third Avenue to University Place, have announced their intention to close out all saloon leases as fast as they expire. This action will not immediately create that much dry territory in New York, however, for there are many long-term ground leases to be considered, and on such property there are buildings erected by the lessees in which liquor is sold, and no change can be made during the life of these ground leases.—*The Christian Herald.*

ion  
tes,  
tu-  
the  
tu-

ure  
ion  
age  
ter-  
eof,  
or-

ates  
cur-  
iful

lu-  
nto  
ain  
ec-  
in  
ard  
not  
ote  
hat  
the  
ed-  
cer-  
eral  
y a  
ntly  
g.

oor.  
cks  
nth  
Uni-  
in-  
s as  
not  
erri-  
ere  
o be  
ere  
s in  
can  
und